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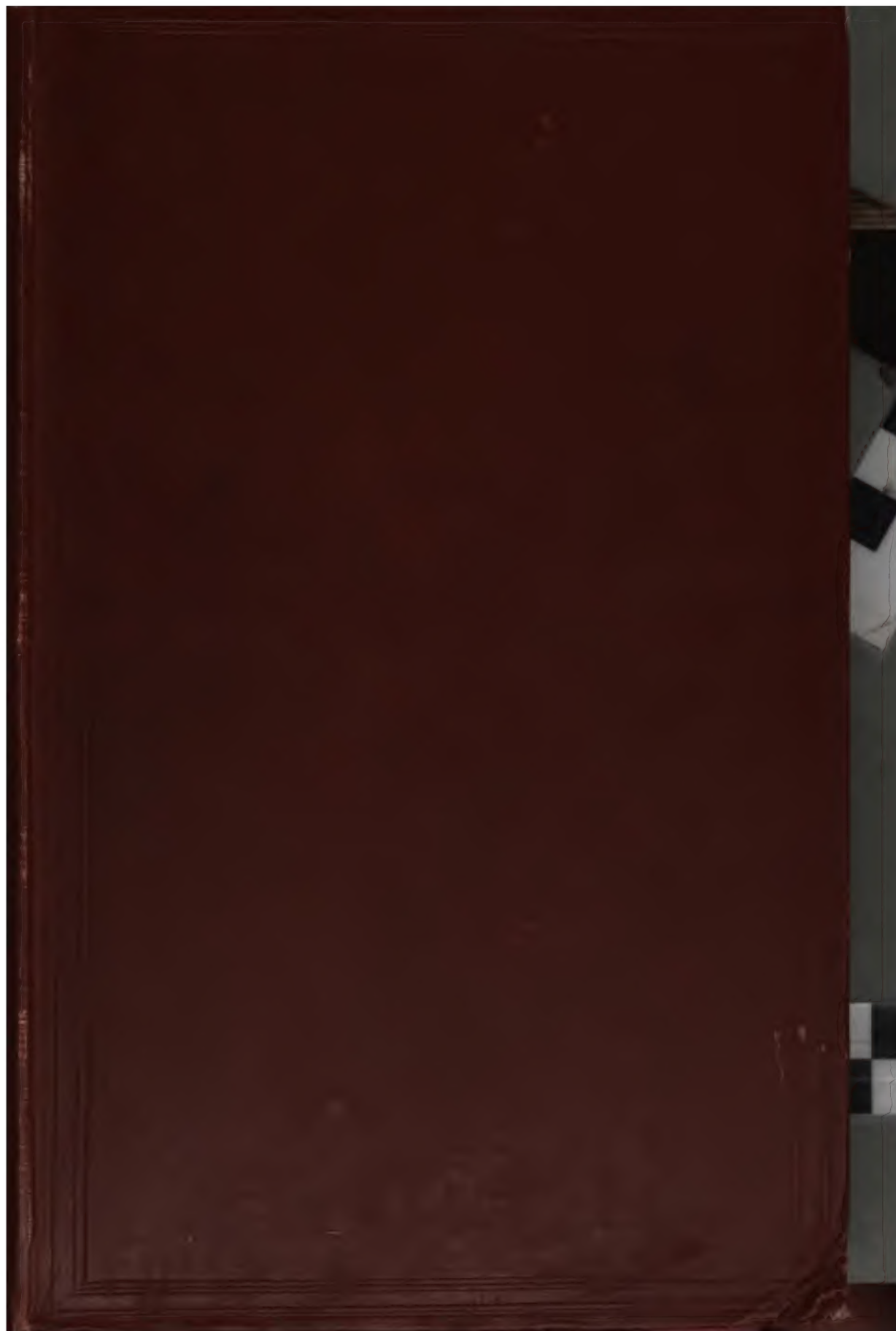
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RECORDS OF THE REFORMATION

THE DIVORCE 1527—1533

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LATE MICHEL FELLOW OF QUEEN'S COLLEGE

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VOL. I

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EDITOR'S PREFACE.

THE plan of these two volumes has been somewhat enlarged since the printing of the first few sheets of the first volume. In the course of editing Burnet's 'History of the Reformation,' and searching for the originals of the Records he had printed at the end of each of the three volumes of his work, as vouchers for the accuracy and truth of his assertions in the text, I gradually became acquainted with the contents of various Collections of State Papers, of the existence of which, when I began the work, I knew nothing. Some of these papers existed in volumes of the Cotton Library which had been in Burnet's hands, and some few had been referred to by him in the margin of the text of his History in cases where he had not taken the trouble to print the whole despatch in his Collection of Records; but by far the larger part of this magnificent Collection must have been wholly unknown to him, as it was also to Strype, who succeeded him, and who, however inferior he may have been to him in general powers of mind, and in that ease of writing which distinguishes Burnet from all his contemporaries, must be pronounced

to have been a more laborious collector and transcriber of manuscripts. My attention was especially drawn to the neglect of the volume entitled Vitellius, B. xiii, from which so much has been printed in the present work. It is needless here to speculate on the reasons which induced both Burnet and Strype to pay so little attention to a volume which, at least, would have set at rest the question whether the Universities and individual Canonists and Theologians in Northern Italy were bribed to give opinions in the king's favour in the matter of the divorce from Catharine of Arragon. But it is much to be regretted that they made so little use of it, because it has since their time suffered severely from the effects of fire, as may be seen at once by reference to any of the documents in the latter half of the first volume which have been printed from it. It would scarcely be fair to say of either of these historians that they omitted all such documents as they did not like; yet the selection they have made certainly seems to give some countenance to that accusation. A more probable view of the matter is, that they selected those papers which seemed to them most interesting and intelligible, and that thus their attention was unconsciously directed to documents which proved most in favour of what they would have called the Protestant as opposed to the Roman side of the controversy. That Burnet was not consciously dishonest in his selection may be argued from his having printed papers which, when compared with his own account of their contents in the Text of his History, hardly seem to bear out his statements, and, in some cases, very directly contradict the view which he elicits from them. But independently of the State Papers which have found their way by fair or foul means into Sir Robert Cotton's Collection, there is an immense amount of MSS. belonging to what was

formerly the State Paper Office and other public Repositories in London which have all, since the time when the new edition of Burnet was being prepared for the press, been removed to the Public Record Office. Some of these State Papers had been printed by Foxe, Herbert, Strype, Collier, and other historians, and a large collection, confined, with few exceptions, to the originals existing in the State Paper Office, had been printed in the handsome and well-executed publication of State Papers of the reign of Henry VIII, published under the auspices of the First Record Commission between the years 1840 and 1850, in eleven volumes quarto. A very cursory examination, however, of the originals still existing in the Record Office would be enough to shew that many documents of the utmost importance had been omitted in the Collection published by the Government; to say nothing of the valuable papers to be found in the Bodleian Library, at Lambeth, and elsewhere. It would not be easy to say on what principle the editor of the eleven volumes made his selection. It will be sufficient to observe that many of the papers that were most difficult to read have been passed over, and that in the small selection of documents from the Cotton Collection which appears in those volumes, very few of the important ciphered despatches have been printed, and that there seems to have been a systematic avoidance of those which were most mutilated, and therefore least intelligible.

It seemed, therefore, worth while to make a new selection, for the sake of supplying the omissions of previous transcribers, and the principle adopted was to print nearly all such papers as would throw any light upon the religious changes introduced at the time of the Reformation—so as to constitute, as far as possible, nearly all that might serve for that 'History of the

Reformation' which, after so many attempts, it may truly be said, still remains to be written. And here I may be allowed to express my regret that I did not print more freely from the Cotton Manuscripts, the letters of the years 1527 and 1528, from the volumes Vitellius, B. ix and B. x, very few of which have yet appeared in any collection. These documents were omitted partly because they did not bear so directly on the case of the Divorce, to which I wished to confine my attention, and partly through fear of enlarging the Collection too much. As it is, it will be thought, perhaps, that two volumes of papers referring to this one subject, and ranging over a period of seven years, is more than enough. As the work gradually seemed to expand in my hands, and papers not so strictly confined to this one subject were introduced into the Collection, I began to wish that I had included several earlier papers. And these volumes would, in that case, have been enriched with some valuable letters from Wolsey, a Churchman whose splendid powers seem never to have been adequately appreciated till Mr. Brewer published the preface to his first volume of 'Letters and Papers, Foreign and Domestic, of the Reign of Henry VIII.' It is possible that, if these volumes are received favourably, I may add a Supplementary Volume of these Despatches, which may serve to complete the History of these seven years. The first idea was, to reproduce nothing that had already appeared in print, unless it had been so incorrectly printed that it could be materially improved. It was quite consistent with this plan to reprint most of the Records that have appeared in Strype and Collier, whilst the official documents that may be read in Rymer needed but little correction, and the eleven volumes of State Papers, for the most part, none at all. The greater part, then, of the Records

that are now published in these two volumes are such as have never appeared in print before. A few were printed by Herbert, Strype, or Collier, and in two or three instances a document has been inserted which was more or less incorrect in Rymer's 'Foedera,' or the State Papers of the reign of Henry VIII. It was arranged that the papers should appear in chronological order as nearly as possible, and no very material deviation from this rule was admitted till after the first half of the first volume was in type. About that time the Deputy Keeper's Report on the Venetian Archives came out, and, amongst other most interesting pieces of intelligence, announced that there were several State Papers at Venice which threw light upon the attitude assumed by the Venetian Government in the matter of the Divorce, and the methods adopted for obtaining opinions on the subject by the English agents in the North of Italy. Soon afterwards Mr. Rawdon Browne, to whom the task of calendaring these papers had been assigned, sent home copies of these and several other papers of later date, and it was determined to insert all the Italian papers belonging to this subject in the present Collection. Moreover, these letters were so closely connected with several letters in the Cotton Collection, which had been at first omitted, that it was thought desirable to go back and insert a considerable number of Croke's letters which had not been included in the original plan. And thus the greater part of the volume entitled Vitellius, B. xiii, now appears in print, though it will be observed that strict chronological order has thereby been considerably interfered with. This is the account of the new beginning apparently made at p. 465 of Vol. I, where Number CL begins with a document of December, 1529, and follows CXLIX, which belongs to November 30, 1530. And here it

may reasonably be asked why, as these volumes have not been wholly restricted to documents preserved in English Libraries, no notice has been taken of the important despatches published in the third volume of Le Grand's '*Histoire du Divorce de Henry VIII Roy d'Angleterre et de Catherine D'Arragon ?*' And my reply to this is, that Le Grand's volumes are so full of errors of printing that I should not have cared to reproduce his documents without correction; that it would have been very hazardous to make conjectural emendations, especially of letters written in the French of the 16th century, without reference to the originals; and that a visit to the Imperial Library at Paris, where the originals are preserved, would have involved more time than I could give to the work, and would also have, in all probability, led to the insertion of a multitude of other documents from the same repository, and so have added materially to the bulk and cost of these volumes. Another slight alteration in the original plan of the work was afterwards adopted, in the admission of a few documents which had been printed, and which, because of their connexion with other papers which had been selected, it seemed desirable to reproduce, although it could not be pretended that any improvement in the text had been made. In the first volume scarcely any instance of this kind occurs, the Records having been nearly all either transcribed from the originals, or having been corrected in some few instances by comparing the printed copy with the manuscript from which it was taken, with the single exception of Number CXLI, at p. 429, the request made by the Parliament to the Pope to decide the king's case speedily, which, it will be observed, is printed without any marginal reference to shew where it was taken from. The principal reason for reproducing this was, that it was

thought desirable to place it in juxtaposition with Clement's answer, but it also seemed worth while to exhibit a text which may be considered perfect, as it has been corrected from the two independent copies made by Herbert and Rymer. How it has come to pass that so important a document has disappeared it is not easy to say. Neither the original nor any manuscript copy has been found except a very small portion of a mutilated copy in the earlier half of the Cotton MS., Vitellius, B. xiv, which the compiler of the catalogue of that collection omitted to take any notice of.

In the second volume this change of plan has been carried out more extensively, and several papers have been admitted which have been printed by Raynaldus in his 'Annals,' or by Theiner in the 'Monumenta,' from the originals in the Vatican Library. It seemed desirable to insert these papers to enable the reader to understand the history with which they are connected without being obliged to have recourse to these large collections, which of course are, for the most part, only to be found in public libraries. This will account for the insertion of the Pope's letter to Henry requesting aid against the Turks, which is printed as Number CCLX, though I have not been able to make any corrections in the original as it appears in Raynaldus—as well as that from Theiner's Collection, which here appears as Number CCLXIV. On this principle, also, the Pope's answer to Henry's letter of December 6, 1530 (Number CCXXXVIII), has been inserted. The same plea cannot be made for admitting the interesting letters of Eustace Chapuys, the emperor's ambassador, which were printed by Bradford in an octavo volume, which is neither scarce nor dear. Nevertheless, the book is seldom to be met with, and the letters themselves being the witness of a bystander and foreigner to the state of

things at Court at the time of the disgrace and death of Wolsey, were thought to be of sufficient interest to claim their place in this series of Records. Two or three letters, also, have been printed from the scarce publication, '*Lettere de Prencipi*,' published at Venice in 1587. No apology is necessary for inserting the three earliest extant letters of Cranmer, notwithstanding they have often been printed before, though it is not pretended that they required any correction. Several allusions to Cranmer of about this date occur in the Records, and it seemed worth while to insert these letters, as they both illustrate and are illustrated by many papers of the same date with themselves which appear in this Collection.

With few exceptions, then, the whole of the contents of the two volumes has been transcribed from the original manuscripts as described in the margin. Of the documents described as being in the Record Office, nothing more need be said than that they are nearly all arranged in separate boxes or bundles according to the year of the king's reign to which they belong, in preparation for the forthcoming volumes of Mr. Brewer's Calendar. Much trouble of searching has thereby been saved, as I have had the advantage, by special permission, of turning over the contents of all these receptacles; and my endeavour has been to omit no documents which could throw light upon the subject for which, for the most part, these volumes have been devoted—viz. the divorce of Henry from Catharine of Arragon, and the political complications connected with it. It seems almost superfluous to say that I have inserted what I could find, whichever way it might seem to tend, and with no other view than that the whole truth of the story about the divorce might appear as plainly as possible. Any attempt to give a one-sided view of

the case would be sure to be torn to pieces as soon as the Calendar of the State Papers of this reign, which is being conducted by Mr. Brewer, shall have reached the period treated of in these volumes; and though I do not pretend to be free from partialities, and, it may be, prejudices in favour of certain persons or events, I am sure they have not influenced me in the selection of documents I have made. Some few papers have indeed been omitted, which I was unable to devote time and leisure to read or decipher. In particular, I may mention some ciphered letters in the volume Vitellius, B. xiii, already referred to, the key of which I do not possess; and several ciphered despatches in another volume of the Collection Vespasian, C. iv, which are interlined in decipher, and which, if I had been resident in London, instead of an occasional visitor to the Museum, I should have inserted in their proper places. It is however impossible, I think, for any one to peruse the documents here presented in connexion with those in the volumes of State Papers already referred to, without coming to the conclusion that historians of this period, both Catholic and Protestant, but especially the latter, have allowed themselves to be carried away by their prejudices to a surprising extent. To this remark Dr. Lingard is, as far as this period of his History goes, an honourable and, as far as I know, a singular exception. And here, again, it is necessary to state that, as regards the subject also, the plan of the work has been a little enlarged since it was commenced. In turning over the papers of the regnal years 20, 21, and 22, I was struck with the letters of A. A., which appeared to have been entirely neglected by previous searchers, and only one of which had ever been printed. It was easy to discover that they were written by Augustine ab Augustinis, as he is

generally called, who was Wolsey's physician at the time of his arrest. They were written in a handwriting very difficult to make out, which is, perhaps, the reason why they have been so little noticed; and they contain most interesting intelligence as regards the proceedings of the year 1532, and especially some details of the advance of the Turks against Vienna which are not, as far as I know, to be met with in any English work. These might certainly have been omitted without any loss to the main thread of English History as regards the matter of the divorce; but no one will regret their having been added to the Collection, and that the less as they throw some light upon the history of Wolsey, Cromwell, Cranmer, and other Englishmen. After these had been copied, some more letters by the same writer were inserted from different volumes amongst the Cotton Manuscripts. He appears to have done some mysterious service to Henry or Cromwell, but of what nature it is not easy to guess.

With the exception of the first-placed Records, and the few papers relating to the granting of the Bull and Breve, which belong to the years 1503-5, nearly all the papers belong to the period from 1527 to 1534. The extremely important despatch which heads the Collection, though earlier in point of time than most of the rest by about a quarter of a century, and belonging to the reign of Henry VII, was found among the divorce papers, and is plainly the identical document produced in evidence on the trial of the validity of the marriage, to shew the unwillingness of the Pope to grant the dispensation required, and his ignorance as to whether his powers extended so far. It was not till half of the second volume had been printed off that I fell in with the remarkable little volume called '*Philaethes Hyperboreus*,' in the Grenville Collection in the British Museum.

It contains four documents printed from the originals, three of which have never been printed elsewhere, and of the existence of which I believe no historian has been cognizant. These I at once determined to insert in the present Collection, although I could not pretend to correct their errors by reference to the originals, partly because the documents themselves, as well as the rest of the contents of this scarce little volume, are authenticated by recent discoveries at Simancas, and partly because they confirm the view which, though abundantly proved from other sources, many people will be slow to adopt, as to the nature of the connexion that existed between Prince Arthur and Catharine of Arragon. Had these papers been discovered earlier, they would have appeared in proper chronological order in the first volume. As it is, they have been placed under the date of July, 1533, the date of the publication of the work from which they have been extracted. Very slight corrections were required in these papers, as they appear to have been produced with considerable accuracy, with the exception of the spelling of two or three of the English names.

It will be seen that several documents have been produced from the volume numbered 25,114 of the Additional Manuscripts in the British Museum. This important volume was probably formerly in the possession of Gardiner, bishop of Winchester. It seems to have remained forgotten and unknown till Canon Tierney published his imperfect reprint of Dodd's 'Church History.' By reference to that work it will be seen that this edition frequently refers to documents in his own possession, and sometimes gives long extracts from them in the Appendix. The volume in question was, I believe, sold to the British Museum by the late Bishop Grant of Southwark. From it there have been ex-

tracted all the papers belonging to the period of which this Collection treats, and they have been inserted in their proper places. A few Proclamations have been added, which have, in all cases, been printed from the well-known Collection in the possession of the Society of Antiquaries at Somerset House. Several papers have been printed from the very meagre Collection called Vatican Transcripts in the British Museum. This Collection, when compared with the 'Monumenta Vaticana,' published by Theiner at Rome in 1864, must be admitted to contain a very insignificant portion of the treasures which might have been produced from this magnificent library. Both the transcripts and Theiner's publication seem only to tantalize the searcher for original documents—each serving only to shew how insufficient the other is, though it may be admitted that the Vatican transcripts appear to have been tolerably well executed, or, at least, are not marked by the shameful inaccuracies which characterize Theiner's volume from beginning to end. The person who made this selection of Vatican Transcripts for the English Government seems to have confined his attention, as regards the transactions of this reign, to the letters written by the king to the Pope, of which he has transcribed twenty-one belonging to the period comprised in these volumes, all of which have also been printed by Theiner. Some of these had appeared in print before, and some have been copied into the 'State Papers of Henry VIII.' Of the remainder it has not been thought desirable to insert all; and it may here be worth while to call attention to the fact, that Theiner's volume invariably misplaces all letters from England or Scotland during the first three months of the year, owing to his ignorance of the fact that the year *secundum computationem ecclesiæ Anglicanæ* began on the 25th of March. The con-

tents of the letters printed would, in every case, have sufficiently proved the date, if the transcriber had paid any attention to them; and in most cases the editor might have guessed the true date without travelling beyond the papers of his own selection if he had compared together the letters which were written by the same individual just before or after those which have been wrongly placed. Besides official documents, the Vatican Transcripts contain some unofficial papers of which it is not easy to conjecture how they found their way into such a collection. Amongst these may be mentioned the Life of Wolsey, which has been inserted, though for the most part throwing little new light upon his character or actions, because it strictly belongs to the period of time to which these volumes refer. The accounts of More and Fisher have been added, although they properly belong to the date of 1535; and the original plan of this work only extended as far as the Coronation of Anne Boleyn in 1533. But as there is so small a number of documents amongst the Vatican Transcripts referring to this reign, it was thought well to include these, though more properly belonging to a series which should serve to illustrate the working of the doctrine of the Royal Supremacy.

Number CCLXV was printed from Theiner's Collection before I discovered another copy of the same document in Raynaldus, who, however, places it under the year 1532, and speaks of it as a document of instruction to the Papal Nuncio, instead of being, as its contents plainly shew that it is, a draft of directions for the Pope's reply to the king's letter of December 6, 1530, which will be found in Number CCXXVIII, as may easily be seen by comparing the two documents.

As regards Number CCLXVII, I have to express

my regret that it was printed from the extremely mutilated copy of the Answers given in the Consistory of March 6, 1532, made at the time and sent to England, which now appears in the Cotton Collection, before I was aware of the fact, that the whole of these answers had been printed both in Rome and in England. Had I been aware of the existence of these two volumes, I should have been spared an immense deal of trouble in correcting and supplying the deficiencies of this document, and also should have been saved from some mistaken conjectures, which, however, any one who will compare the paper with the printed copies will see are only of slight importance. It is to be observed, however, that, as regards the portions of this paper which are entire, they do not in all respects agree with either of the printed copies, which have not only variations but, in some parts also, a few additions. The three letters from Catharine, which appear as Numbers CCCIII—CCCV, are taken from the Duke of Manchester's misnamed work, 'Court and Society from Elizabeth to Anne.' Before the arrival of the late Mr. Bergenroth's transcripts in England, it was impossible to do more than put proper stops to the paragraphs and make some slight corrections of evident blunders. It seemed probable that they had not been represented very accurately in the duke's production.

Number CCCXIX contains the copies of the often-printed Breves of Clement VII, issued between the beginning of 1530 and the end of 1532. The insertion of these was also an after-thought, as I had only seen the copies of these Breves as printed by Le Grand, and copied by Tierney in his edition of Dodd's 'Church History,' and in Audin's 'Life of Henry VIII.' The copy from which they have been printed, and which was collated with the other copies, is not, indeed, absolutely

correct, nor in any sense authoritative, but it is the best that had appeared in print; and I have here to express my regret that the Second Breve had been previously printed as Number CCXXXVI. It would have been more convenient if they had all appeared together, or if they had been arranged in their proper sequence amongst the other documents printed in these volumes. The reason of the Second Breve having been alone printed was, that I had two independent copies of that to compare, so as to allow of a tolerably correct text being produced.

It was no part of the original plan of this series of documents to reproduce any pamphlets of the period, or any matter which, having been printed, was easily accessible to the reader. It has been already shewn how far this purpose has been abandoned. It was not till the greater part of these volumes had been printed off that I saw cause still further to enlarge their plan, and to admit into the Collection some more reprints of scarce publications bearing upon the subject. In the course of my investigations, my attention could not fail to be drawn to many works which are only known for their scarcity, and which, if one may judge from their never having been referred to by historians and others, are entirely unknown as to their contents. Such volumes are, indeed, chronicled in Bibliographical Collections, but no description of them has, for the most part, been given beyond what would be sufficient to identify the work. And, in some cases, they contain most important facts, and otherwise throw considerable light upon the state of opinion in England at the time. It will be sufficient here to refer to two or three of them.

Numbers CCCXXII — IV consist of three documents which have never been seen, as far as I can

judge, by any writer of History. Two of them have been epitomized from duplicate copies existing at Simancas by Bergenroth, who evidently was entirely unaware that they had been printed. Had he ever seen this volume, he would have known that the proposal of Henry VII to marry his own daughter-in-law, which took him, as well as all his readers, by surprise, was not first made known from the Simancas Records. In this instance I have contented myself with inserting the documents from the volume in question, and giving a general account of its contents, being unwilling unnecessarily to enlarge the present work. But many readers will probably wish that I had reprinted the whole work, which is so scarce that perhaps only two or three copies of it are in existence. The only copy I have seen is that in the Grenville Collection, from which the extracts were made; and even that is not allowed to be taken into the Reading Room of the British Museum. The work to which this was a reply, viz. 'A glasse of the Truthe,' has been reprinted entire as Number CCCXX, as I was saved from the trouble of copying it out by being permitted to have one of the copies of it taken out of the Bodleian to the printing office. It was afterwards collated with the other copy, and the variations noted at the foot of the page. There is a third copy of the 'Glass of Truth' in the Grenville Library, Number 1237, which is exactly like the one from which the copy in this Collection is printed. It is very clean, and beautifully bound in the same volume with another pamphlet issued by Berthelet in the following year, 1533, entitled 'Articles devised by the whole consent of the King's most honorable Council,' &c., printed in this Collection as Number CCCL. This copy has several marginal notes written in a contemporary hand in Latin, consisting chiefly of enlarge-

ments of the analysis and a few additions and explanations apparently intended to strengthen the case made out in behalf of the king. This work, though printed by Berthelet, the king's printer, seems to have been almost as little known as the answer to it published at Luneburg. It is without date, but undoubtedly came out as early as September, 1532. The answer to it, published in 1533, plainly implies that it had but recently reached foreign parts. It is strange, considering its importance, that it should have been so overlooked. The few allusions to it by name which I have met with are as follows:—Two of them occur in two letters written by Dr. Richard Croke to Cromwell, printed in Ellis' Third Series, Letters CXCH, CXCHH, vol. ii, pp. 194–199. The first letter gives us the information that Berthelet, the printer, had told the writer of some errors in the 'Glass of Truth' which had been discovered by Goodrich, afterwards Bishop of Ely, and which Goodrich had advised him to acquaint the king with, but that Berthelet was unwilling to do this, having before incurred the king's displeasure in some similar matter. This letter was written September 17, from Oxford, where Croke had been sent to distribute copies of the 'Glass,' and to persuade people that the king wrote it. In the second letter, dated September 23, Croke complains that he had been unsuccessful in his attempts at persuasion, people not doubting that the king was able to do this so much as believing that he had not sufficient leisure for the purpose. He adds, that it had done more to recommend the king's cause than anything that had hitherto been written. There are two other allusions to the work in letters written to the king, one from Mantua, November 21, the other from Bologna, December 24, 1532, by Nicolas Hawkins, the man who had succeeded Cranmer as ambassador to the

emperor. The latter is printed in State Papers, vol. vii, p. 404, and it is plain that the English dialogue mentioned in it is the 'Glass of Truth,' though the editor of that valuable Collection failed to identify it. The two letters throw a great deal of light on the time of publication, as well as the authorship. Hawkins' various credentials to foreign princes are dated from September 27 to October 1, 1532, about which time he left England with instructions to translate into Latin the 'Glass of Truth,' which he speaks of as 'your highness' dialogue.' From Mantua, on the 21st of November, he informs the king that he had already translated half of the treatise, promising to finish it with all possible diligence; and asks whether it would be prudent to represent in any language but English those passages which imply discontent on the part of the people. 'One thing there is I would most humbly desire your prudent highness to consider, whether it be best that those complaints on your highness' people, and to them made of their unkindness and unnaturalness, and such other, be turned into any other language than ours or no.' (State Papers, vol. vii, p. 389.)

On Christmas Eve the Latin translation had been completed, and a copy was on that day despatched in manuscript to the king by his ambassadors for approbation, previous to its publication. Hawkins represents that he had done it into such Latin as the Italians could understand, as the English copy would do for English people, and the French translation would suit the French. There appears also to have been a project for making a German translation. Whether any of these were ever printed is doubtful. It appears that the translation was not very exact, several additions to the original having been made, and the preface.

having been entirely omitted. Lastly, he observes that he had omitted all the sayings of councils and authors, not having books to refer to ; and referring the king to ' Master Cranmar or Master Gudric to write them in, word for word, as they be in the originals.' It is plain, then, that whether the king wrote the book or not, it was meant to pass, at least in England, as his ; but it would not be safe to infer, as Sir Henry Ellis has done, from Croke's letters, that it was written by the king. That Henry was quite capable of writing such a work may be admitted, and that he superintended and altered and corrected it is quite certain ; but Hawkins' letters seem to shew that Goodrich had been concerned in getting it up, and that it was natural for him or Cranmer to be applied to for the completion of the Latin translation. In a subsequent letter of the 22nd of February, 1533, Hawkins alludes to the book once more by name, quoting from it a passage referring to the common people's ignorance of Scripture. As regards the authorship, although the king was quite capable of producing such a work, it seems improbable that he should have been the author. It is certain that the Latin publications attributed to him were not entirely his own composition, as the style is much above what he could have produced ; but such was his habit of looking over and correcting important State Papers, that there can be no doubt of his having had some hand in the compiling the ' Glass of Truth.' It is scarcely probable that Cranmer was concerned, because he was abroad during the time in which, in all probability, it was composed ; but Goodrich may have been the writer, or, at least, was in some way connected with it. The work has as much right to be considered the king's as the ' Assertio Septem Sacramentorum' which bears his name.

It had been, in the first instance, determined that no documents should be admitted into these two volumes of a later date than the Marriage with Anne Boleyn; but it seemed worth while to add a few papers which throw light upon the attitude of thought towards the new marriage in England generally, and especially as to the precautions taken by the king to make it acceptable to the common people, as well as to propitiate foreign powers. With this view there has been inserted the scarce anonymous pamphlet, entitled 'A Little Treatise against the Murmuring of some Papists in Corners,' published from the press of Berthelet in 1534. It serves to illustrate the way in which the king skilfully used the national feeling against Papal exactions for his own purposes. This, together with the 'Articles devised by the whole consent of the King's most honorable Council,' which bears the date 1533, and came from the same press, will give a fair view of the state of feeling in the country generally, and will shew how necessary it was felt to offer some defence for the king's conduct; whilst it is plain, from Number CCCXL, that great fears were entertained lest the secret dislike of the king's marriage, which prevailed throughout the country, should instigate foreigners also against the king. To avoid this, it was earnestly desired not only that the votes of the clergy should be obtained in favour of the king, for that had already been secured in Convocation, but that the Pope and the emperor, if it were possible, should see or suppose that the whole clergy of England were bent on defending the king's cause to the utmost.

Of the remaining two documents which conclude the volume, with the exception of the Appendix, the last, Number CCCLIX, being anonymous and of uncertain date, cannot be considered as at all authoritative. It

is very curious, because it gives apparently independently the same account of the birth of Anne Boleyn which appears in Sanders' '*De Schismate Anglicano*,' and also asserts that Wolsey had caused himself to be poisoned on his journey to London. It is, perhaps, scarcely necessary to say that one of these stories is demonstrably false, and the other improbable to the last degree. The preceding document has appeared in print twice before. It has been thought to possess more importance than really attaches to it, because it contains the assertion to Queen Catharine, on the part of Lee, Archbishop of York, that after the king had been divorced from Catharine, he had married Anne Boleyn. Dr. Lingard argues from it that the marriage ceremony, which Cranmer asserts had been performed 'much about St. Paul's day last,' was performed again after the Dunstable judgment. But too much stress must not be laid upon Lee's assertion. We may easily suppose that he was instructed to say so, and it is possible he may have believed it; for whenever the marriage was performed, the day was hardly known to any one: or, again, he may have taken it for granted that the marriage ceremony would be delayed till the final decision had been given upon the invalidity of the former marriage. That there was a marriage ceremony performed after the Dunstable judgment can scarcely be doubted by any one who will consider how careful the king was to secure everything to be done in Parliament and Convocation, and by the archbishop, to secure the case from objection. Whether any previous ceremony had been gone through may, perhaps, be doubtful. Cranmer's assertion of the 25th of January has generally been taken for granted as giving the correct date; but 'much about St. Paul's day last' is a very loose expression, and may possibly have been invented to account for

the advanced state of pregnancy which Anne Boleyn had reached at the time of her Coronation on Whit Sunday, June 1. But even if Cranmer was not designedly vague in fixing on a date, his testimony is not worth much. There may have been no intentional deception in his telling Hawkins about three months after the event that 'the queen's grace was brought, about the 13th or 14th day of September, of a daughter;' but he was himself present as godfather to the Princess Elizabeth on the 10th of September; and the inaccuracy of his statement as to the latter event altogether invalidates his testimony to the former, of which he professes to have known nothing till about a fortnight after it was alleged to have taken place. It is yet possible that Sanders' story of the marriage having taken place on the 14th of November, 1532, may be true; though it has been thought that this date was assigned to it in order to save Anne Boleyn's reputation. And it is remarkable that Sanders himself supposes that Anne had held her ground against the king all that time. The date, however, remains uncertain; the other particulars of Sanders' story, being corroborated exactly by a MS. 'History of the Divorce' presented to Queen Mary thirty years before Sanders' work was written, may be read in Le Grand's History, vol. ii, p. 110. But if this is so, there was in all probability a second ceremony of marriage gone through after the Divorce; but what could have been the particular object of having a public celebration of the marriage on Easter Eve, the 12th of April, before the Dunstable judgment was given, it is not easy to say. Sanders, however, so states it, and his authority is much better than has been commonly supposed.

There are two other accounts of the life of Henry VIII which have been sometimes referred to by his-

from Edward Hall's Chronicle 1542 et seq.)

torians, but they have no pretensions to being authoritative. The Sloane MS. 4225 contains two or three papers relating to the king, but it is of the 18th century, and is of a very fragmentary character; the other MS. in the same library is numbered 2495, and is probably a century older. It is a small folio of 55 leaves, and contains some statements which do not, as far as I am aware, appear elsewhere. But it is full of blunders either of composition or transcription. The first two pages supply instances of both. It begins with stating that Henry began to be addicted to the vices of lust and cruelty about the year 1520, which is called the 20th year of his reign, and then describes the queen as being the aunt of the Emperor Charles the Fourth. These may be mistakes of copying. Soon afterwards the number of children Catharine bore is stated to have been two. One of these, called Henry, it is said perhaps died unbaptized, and an alternative account is given that he was hastily baptized by a midwife and called after his father's name Henry. Some particulars are afterwards minutely detailed concerning Anne Boleyn, Campeggio, Cranmer and others who figure in the history of the Divorce; but though some of these may very probably be true, there is no sufficient evidence to depend upon, and the book is full of palpable mistakes and anachronisms and other stories which seem to be extremely improbable. Upon the whole, it may be pronounced to be well worth reading, but quite insufficient for the purpose of a history. Amongst other very minute assertions, it speaks of eleven o'clock as being the exact hour of the day in July when Campeggio prorogued the Legatine Court; and, in describing the death of Wolsey, tells us that Austen his physician, who might have cured him, had been previously sent to the Tower. Such a document, however inter-

esting it might be, could have no claim for insertion in such a Collection as this.

Lastly, the chronological arrangement of these documents has been again interfered with by the insertion of some papers which had escaped my notice during the time when these volumes were passing through the press. This is in part owing to the enlargement of plan already alluded to in this Preface; but is chiefly due to the discovery that in the volume Vitellius, B. xiv, of the Cotton Library, the first 147 leaves had been passed over by the compiler of the Catalogue with the short remark that 'the leaves of nearly the first half of this volume are so much damaged by fire that few of the articles can be of any use.' It is much to be regretted—not only on account of such omissions as this, but also and far more because of the immense amount of blunders of description as to the dates of the letters and the names of the writers, as well as of those who are addressed—that the authorities of the British Museum have not yet taken in hand the publication of a new Catalogue. It is needless here to attempt to prove the insufficiency of the existing Catalogue, which is perfectly well known to those who have had occasion to consult it; but those who may want to see some specimens of the blundering way in which it was got up, are referred to the articles on the subject in the 'Saturday Review' for July 22, 1865, July 6, 1867, and for August 22, 1868, where some of the errors of Vitellius, B. xii, xiii, and xiv, are pointed out and corrected. Though the volume had often been in my hands during the time when Burnet's 'History of the Reformation' was going through the press, I had never noticed the first half further than to see that it was extremely injured by fire. Some of the documents which here appear in the Appendix will shew the state

in which it at present exists. There is one dislocation of papers in this and the preceding volume of the series that is so curious that it seems worth while to explain it. Number XXV of the Appendix contains, as will be seen, the 'Continuation of the Account of Croke's Expenses,' the previous portion of which is partly in Vitellius, B. xiii, and partly among the State Papers in the Record Office: see Numbers XCIX and C. The leaves at the end of the volume (Vitellius, B. xiv) had escaped my notice altogether, owing to their description in the Catalogue of the Cottonian Library as 'Art. 59. Divers accounts of travelling expenses, &c., fol. 300.' At the first glance it was plain that they were in Croke's handwriting, and that they formed a portion of his book of accounts; and the first idea that suggested itself was, that the papers of these burnt volumes had been placed together, when the volumes came to be rebound, almost at random, or according to the judgment of some person unskilled in reading them—a conjecture which is certainly countenanced by an immense number of similar dislocations that exist in all these volumes. After consideration, it appeared that the errors committed had been not so much in the arrangement of the leaves as in the division of the volumes. As these two volumes would stand on a shelf together, the first on the left hand, the second on the right, the few first leaves of the earlier volume would be contiguous to the last leaves of the other, and by the joint action of the fire and the water which was used to extinguish it, these two volumes were probably welded into one mass, which was afterwards divided about the middle, so as to transfer a few of the papers from the beginning of the 13th to the end of the 14th volume. And thus it has happened that part of Croke's diary, and also two or three other papers

which, apparently from their date, belong to the preceding volume of the set, have been transferred to the succeeding one. A little further displacement of the leaves took place in re-arranging them, and thus the compiler of the volumes interchanged, without knowing it, the first two leaves of the 14th volume. In this part of the volume occur, also, the valuable drafts of letters, here numbered XXI and XXII, relating to the part which Cardinal Pole at first took in the proceedings of the Divorce. It was very startling to find the two letters relating to this subject printed in the first volume as Numbers CLXXXI and CXCV. They prove, beyond all contradiction, that Pole had at one time thrown himself heartily into the king's cause. He appears to have been exerting himself for two whole months, from May to July, in procuring the subscriptions of the University of Paris; and the two mutilated documents printed in the Appendix, though they are so full of corrections and interlineations that it was very difficult to know how to represent them in print, and whether the conjectural emendations I have supplied are the right readings or not, undoubtedly prove the great gratification which Pole's assenting to his wishes gave the king, the reluctance to enter upon the case which Pole had at first shewn, and the zeal with which he prosecuted it when he had once adopted it. The stress that was laid upon getting the opinion of the Theological Faculty at Paris may be judged of from these letters, as well as from the fact that the assertion of their favourable judgment, as yet not given, was used to influence Oxford to adopt the same conclusion. These letters also prove that Le Grand was right (tom. i, p. 180) when he said that the king had written with his own hand to some of the Theologians, though Le Grand could not, of course, have

known that this was done, as these letters imply, at the instigation of Pole himself. It is scarcely necessary to say anything about the rest of the Records which have been consigned to the Appendix. Some were accidentally omitted, some were only discovered when the second volume was drawing to a close. Of the former class is the Despatch which contains the instructions to the ambassadors to forward the election of Wolsey on the supposed death of Clement in the beginning of February, 1529. This had been previously printed by Foxe, but it has been admitted into the Appendix principally because of its connexion with the two following documents which, though belonging to the same day, are in different parts of the volume Vitellius, B. xiv. The first of these contains the actual 'Instructions' to the Ambassadors to treat for the Election of a new Pope; and the next is a document which comes under the head of those discovered too late for insertion, and would have been, in its mutilated state, very difficult to understand without the key supplied by the 'Instructions,' which entirely explains it. The 'Queen's Appeal,' in Number VIII, is an original, signed by the notaries, unfortunately dreadfully mutilated, but the contents of which are easy to understand. And the document which stands first in the Appendix has been reprinted from Theiner's '*Monumenta Vaticana*,' not because it was incorrectly printed in that volume, for it is apparently exceptionally well copied, but rather because it seemed possible to fill up a number of gaps that exist in sentences where the words had been either altogether lost or become illegible. It is much to be regretted that throughout this valuable volume no attempt was made by its editor to supply these deficiencies. It is probable that one who had seen the original, and who could therefore judge

of the exact number of letters lost, would have succeeded in filling up some of the sentences which I have not ventured to correct, from a feeling that the length of the gap, and the beginnings and endings of words, as represented by Theiner, were not sufficiently trustworthy.

The Appendix also contains a considerable number of other documents which are simply reprints partly from Theiner's '*Monumenta*,' partly from Raynaldus. As the dimensions of this work were no longer uncertain, it was thought well to add these which were not intended to form a part of it when it was commenced. But students of history will not regret their insertion here, as they will thus be saved from the necessity of referring to the large and expensive volumes in which alone they have hitherto appeared. With regard to these it is only necessary to say that no attempt has been made to correct them except in cases of very manifest misprint, and that in general they appear to have been transcribed with tolerable accuracy from the originals.

Some readers would probably have wished to see incorporated amongst these documents the valuable diary of Campeggio, which was first brought to light from the stores of the Vatican by Theiner. It has been omitted, not without considerable regret, simply on the ground of its length. It would have added greatly to the dimensions of the Appendix; but I must not omit to call attention to it, as far the most important document that has yet come to light relating to the trial in the Legatine Court in 1529, and the other objects of Campeggio's mission.

It is hoped that the defects in the arrangement of these volumes will be thought to have been partially remedied by the '*Chronological Index of Documents*'

which is appended to this Preface. I had hoped also here to give some account of the Tracts which were published for and against the king, containing the arguments made use of both during the trial in England and at Rome, in favour of the Divorce, or in defence of the legitimacy of the marriage ; but the subject belongs to the history of the period which I do not here profess to go into, and would extend this Preface to far too great a length. Many of the treatises exist only in manuscript in the Record Office or in the Cotton Library ; many, though printed, exist only in one or two copies very difficult of access ; and many, both manuscript and printed, have altogether disappeared, though it is probable that some will be hereafter discovered in foreign and perhaps some even in English libraries.

As regards the mode of spelling adopted in all these documents, the same plan has been followed as in the re-publication of ' Burnet's History of the Reformation.' In Latin papers, as well as in those written in any other language but English, the exact spelling of the original has been adhered to. In English letters the spelling has been modernized for reasons which were given in the Preface to Burnet, and which it is unnecessary to repeat here. Some little deviation from exact copying has been occasionally admitted ; as, for instance, where the letter was a mere copy made by a scribe, and the error was manifestly one of the transcriber's making. Occasionally, too, it may be thought that I have been inconsistent in admitting more words spelt according to the ancient fashion in certain documents than is usual in the rest of the work. I have frequently preserved the old spelling where there appeared to be any possible advantage derivable from so doing ; and I will not assert that I have been uniformly consistent in this respect ; but it will probably

be found that the amount of ancient spelling introduced will not embarrass any reader of this Collection. But there is one point in which I have had frequently to deviate from my rule, and that is with regard to the numerous papers which come under the head of mutilated documents. In turning over the leaves of either volume it will easily be seen that there are several papers more or less imperfect, which have suffered, some from damp and others from fire. The volumes of the Cotton Library, from which most of these Despatches have been taken, are amongst the most injured in the whole Collection; and the difficulty of reproducing such documents was far greater than anything that occurred in correcting those that Burnet had printed before the great fire of 1731, which totally destroyed so many and injured so many more of these volumes. In many instances it was impossible to offer any conjecture as to the sentences or parts of sentences destroyed. In others, where the gap was short and the beginnings or ends of lines only had been lost, it was easy to supply the deficiency. In some cases, where the gap was wider, I have ventured to insert what I conjectured were the words, or nearly the words, of the original. With what success readers must judge for themselves. I shall be very glad if my critics shall be able to furnish any corrections by happier conjecture. It was thought better to venture a probable guess, such as familiarity with the writer's style of composition might suggest, rather than to leave a sentence imperfect where an ordinary reader would perhaps fail of understanding its probable drift. In some cases the readings adopted are nearly certain, because sentences of similar meaning are made use of in other letters written by the same person on the same day, or

nearly at the same time. It seems scarcely necessary to say that in the Latin documents the insertions will not be found to be in grammatical Latin of the Augustan age, but in such Latin phraseology as the composer of the letter was likely to have made use of. In some cases, especially where part of a word only existed, the original spelling has been preserved in order that the reader might not be misled as to the probability of the conjectural emendation being right; and, frequently, other portions of such documents have been copied with the original spelling, instead of being, as in other places they would have been, modernized. In these cases it has sometimes happened that I have left the matter in type just as I copied it, laying myself open thereby to the charge of inconsistency; but in no case, I believe, causing thereby any embarrassment to the reader. In all cases, what is not in the original MS. will be found in these volumes inserted within square brackets []. The last observation that need be made on this subject is, that where there are repetitions of words, or other solecisms of grammar, it must not be hastily concluded that the text is a mistake. The pages of these volumes have not been encumbered with what would have been a very frequent repetition of the word *sic*, to shew that no editorial mistake had been made; but, in extreme cases, attention has been drawn to what appeared to be an error, in a note at the foot of the page. As an instance of this, it will be found in the first document printed in the Collection (vol. i. p. 2, lines 9 and 10), the words *Sanctitatem suam* are repeated by an error of the writer, and the letter, being holograph, has been printed in exact accordance with the original, though Cardinal Hadrian would, of course, if he had read over his own letter after writing it, have

corrected it. Such an error could mislead nobody, and so it has been left unnoticed in the text. It is not, however, meant that there are no mistakes of copying, or otherwise, in these volumes. On the contrary, it is certain that very many will be discovered—probably more than there would have been if the proof sheets had been corrected by the original Manuscripts. In certain cases of doubt this has been done; and for assistance in this, as well as for frequent help in reading difficult passages, I have to tender my most grateful thanks to Mr. Stevenson, who was, during the time these volumes were at press, calendaring the foreign papers of Queen Elizabeth's reign. I have also to acknowledge my great obligations for help and advice, on every occasion when I asked for it, from Mr. Brewer, Mr. Gairdner, and Mr. Martin, who are employed on the Calendar of this reign. Without their help I should frequently have failed in identifying the handwriting of many of the letters, and probably have fallen into many errors of copying. And here I must also offer my thanks to Mr. Rawdon Browne, who took the trouble to correct the press of all the letters which I had printed from the Venetian transcripts, by collating them with the originals at Venice. And I will only add here that, in doing a work of this kind single handed, notwithstanding the ready and obliging assistance I have always received from others to whom I had occasion to apply, it is impossible but that many errors of various kinds must have crept in. This Preface will supply, as far as I am able to do so, the means of correcting them; and I will gladly furnish any one who is desirous of improving these Records any means in my power to help him; and here I may add, that I have frequently had occasion to acknowledge my own inferi-

ority in deciphering handwriting, when I have applied to any of the gentlemen who are engaged in Calendaring Papers for the Series issued by the Master of the Rolls.

Whilst I am on this subject of the mode of producing and printing these papers, I may be allowed to make some apology for what may be called the ragged appearance of some of them. For instance, Number LXXXV contains a scrawl of Wolsey's represented line by line just as he wrote it. It would have been scarcely possible in any other way to represent so hasty a draft, especially as the original has lost so much. The same remark applies to some other ciphered Despatches, of which Number CCLXVI may be taken as a specimen. They have been printed line for line with the originals, the great difference between the lengths of different lines being due to the fact that the interlineation pretty exactly follows the cipher, though this is not always the case; and where the ciphered word and its decipher occurred in different lines, it has been found possible, between the two, to produce a little more of the Despatch than could otherwise have been made out. In most of these cases the ends or the beginnings of every line were lost, and their being printed as they have been, will enable readers to judge for themselves whether the additions within brackets are probable conjectures or not.

It only remains to draw the reader's attention to the principal points of the History which may be considered settled and established by the papers which appear in these volumes, when compared with the historical revelations of the documents recently analysed from the Archives at Simancas and those published by Theiner from the originals in the Vatican Library, and other recent discoveries. To give an account of all the papers would be to rewrite the History of the period from

1527 to 1534; and this work, which is already begun, I hope soon to find leisure and opportunity to complete. Meanwhile it may be of some use to point out what are the doubtful points which now must be considered established beyond all reasonable doubt. And, first of all, the all-important point of the virginity of Catharine when she married Henry VIII. This is proved, *ex abundanti* from several papers which appear in the first volume of Bergenroth's 'Spanish Calendar,' from the very express description given of the case in the important diary of Campeggio published by Theiner, and from a comparison of various documents printed in these volumes, and in the eleven volumes of 'State Papers of the reign of Henry VIII,' published under the direction of the First Record Commission. The fact was perfectly well known to Wolsey and to Cranmer, and it had never been questioned in England till it was found convenient to call it in question for the purpose of obtaining the Divorce. For an elucidation of this point, to exhibit the complete evidence for which would take several pages, the reader is referred to the solemn Protestations of Catharine, printed in the first volume and in the Appendix, Number CCCXXIV, as well as to various incidental allusions throughout the volumes; and especially to the treatise composed by Cranmer for the king, printed as Number CXXVII.

The next point in the case, which can no longer be denied with any show of reason, is the king's intrigue with Mary Boleyn, the elder sister of Anne. Whether there was any connexion of a similar kind between Henry and the mother of Anne Boleyn may perhaps still be somewhat doubtful. The king, on one occasion, denied that there had been any such intercourse, thereby tacitly admitting the other charge, which, how-

ever, is sufficiently proved by the terms of the Bull drawn up by Foxe for the Pope to sign, allowing the king to marry even the sister of one who had been illegitimately connected with him. But, to complete the evidence, the reader is referred to the elaborate argument which Cranmer drew up with the view of covering all the doubtful points in the case for the Divorce, printed as Number CXXVII in this Collection. That the report of such intercourse spread during the first year of the marriage is plain from the document Number CCCXXIX, and the story must be allowed whatever weight is due to an assertion of a charge in itself improbable, and for the invention of which no adequate reason can be assigned. Hitherto it has been supposed that Nicolas Sanders was the inventor of the libel; but this document shews that the report existed at least half a century before Sanders' book, 'De Schismate,' was published. It was, of course, easy to magnify the particulars of such a story till it grew to the dimensions of Anne being the king's own daughter. Sanders, no doubt, believed the slander which he found in an unknown life of Sir Thomas More by Judge Rastell; but, unfortunately, was too eager to give credit to anything that would tell against Queen Elizabeth and her mother, and never stopped to enquire into the probabilities of the story. That Anne could be the king's daughter by Lady Boleyn is easily shewn to be impossible from considerations of time and circumstance. The words of the dispensation asked for are very remarkable as indicating the utmost anxiety to cover every defect; for, in point of fact, it was not absolutely necessary to have distinguished the cases of lawful and illicit intercourse, the provisions of Canon Law being express upon this subject: *Secundum canones etiam per coitum fornicarium et incestuosum contrahitur affinitas*. This was

the point so vehemently argued against by Cranmer in the volume which is printed as Number CXXVII. Too much stress must not be laid on Cranmer's assertion, that the affinity supposed to be contracted by illicit intercourse of a man with his wife's sister, daughter, or mother, was a mere invention of Pontifical law, and wanted the sanction of Scripture. It might be convenient not to be too definite on the point, and, of course, the argument as regards the daughter or mother stood exactly on the same footing as that of the sister. Those who wish to form a judgment of Cranmer's character are invited to read this document, the disgusting details of which are fortunately veiled in the decent obscurity of a dead language. It is sufficient here to say, that it is an attempt to provide for every argument that could be possibly alleged against the new marriage; first, on the score of Catharine's virginity, and then on the plea of Henry's previous connexion with Mary Boleyn. The elaborate discussion of the case in this paper admits of no other explanation than on the hypothesis of both these points being well known to the writer of the treatise. Whatever be the truth of the matter as regards Lady Boleyn, it is certain that Sanders, in his eager desire to defame Elizabeth, overreached himself and cast a suspicion on his whole history which it very little deserves; for many facts, which had been disbelieved because he was the only narrator of them, have been proved to be true by recent publications of contemporary documents. He alone, of all historians, gives the correct number of Catharine's children; and even in his somewhat exaggerated description of Anne Boleyn's personal deformities, which he has been accused of inserting more from dislike of the queen and her mother than for any assistance it would afford to the main view of his his-

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tory, he was correct as to the facts of the particulars he narrates. For an illustration of this point, see especially Number XXXVI in the Appendix to Lewis' 'Life of Dr. J. Fisher,' London, 1855, entitled 'Extracts from the Life of the virtuous Christian and renowned Queen Anne Boleyn, by George Wyat, Esq., grandson to Sir Thomas Wyat the elder,' from which the following extract has been made :—

'In this noble imp, the graces of nature, graced by gracious education, seemed even at the first to have promised bliss unto her aftertimes. She was taken at that time to have a beauty not so whitely as clear and fresh above all we may esteem, which appeared much more excellent by her favour passing sweet and cheerful, and these both also increased by her noble presence of shape and fashion, representing both mildness and majesty more than can be expressed. There was found, indeed, upon the side of her nail, upon one of her fingers, some little show of a nail, which yet was so small, by the report of those that have seen her, as the workmaster seemed to leave it an occasion of greater grace to her hand, which, with the tip of one of her other fingers, might be and was usually by her hidden without any least blemish to it. Likewise there were said to be upon some parts of her body certain small moles incident to the clearest complexions. And, certainly, both these were none other than might more stain their writings with note of malice that have catched at such light notes in so bright beams of beauty, than in any part shadow it, as may right well appear by many arguments, but chiefly by the choice and exquisite judgments of many brave spirits that were esteemed honourably to honour the honourable parts in her, even honoured of envy itself.'

These little particulars afford the strongest guarantee for his accuracy in other matters. The mistakes which occur in the work are in those parts which were added by Rishton and others to the original narrative. However, this is not the place to discuss these matters. It is sufficient to say that Sanders, though very preju-

diced, was not dishonest, and that he believed what he wrote, and, upon the whole, is tolerably correct in his facts.

Another controverted question, though of considerably less importance than either of the two as yet noticed, is the nature of the connexion that subsisted between Anne and her lover Percy, the son of the Earl of Northumberland. Dr. Lingard, in a note to his History, vol. vi, p. 112, ed. 1838, says that he possesses a copy of a letter written the 12th day of September, but which, though with great diffidence, I suspect he wrongly attributes to the year 1523. It seems inconceivable that Henry's passion for Anne should have lasted from 1523 to 1527 without any hint of it appearing anywhere. But whatever be the date of the letter, the dispensation which is printed as Number XIV of this Collection affords presumptive proof that Anne had at some time or other entered into a contract of marriage *per verba de præsenti* with Percy or some other person; and that, as far as was commonly known or believed, or admitted by Anne Boleyn herself, matters had proceeded no further. On the question of the time and cause of the alienation of Anne Boleyn from the cardinal, it is much to be regretted that no additional light can be thrown by any of the documents published in these volumes. It is much to be regretted that the originals of the letters from Anne to Wolsey and Henry, published in an Italian translation by Gregorio Leti, have never been found. The copies in Leti being mere translations, the authenticity of which has been disputed, were not entitled to appear in this Collection. Yet, though Leti is so entirely untrustworthy as an historian, there is good reason to trust the documents which he professes to have translated from the English. The three letters have been retranslated in

a style certainly very different from what Anne Boleyn was likely to have used, in M. A. E. Wood's 'Letters of Royal and Illustrious Ladies,' together with another which had previously been printed in Fiddes' 'Life of Wolsey.'

The next point upon which some light is thrown is the celebrated Decretal Commission, commonly called 'the chirograph of pollicitation,' which was entrusted to Campeggio to be shewn to the king and then to be burned, Dr. Lingard says, 'The existence of this Bull and the authenticity of the promise contained in it,' viz. to decide the point of doctrine, if the fact of the previous consummation could be established, 'have been disputed. No one can doubt of either who has read the original correspondence.' A confirmation of this occurs in the very important paper printed from the Record Office as Number CCCXLVII. In this Sir Gregory Cassali, in defending his own and his brother's fidelity to the king throughout the whole of the transactions for the Divorce in Italy, asserts that he had so managed affairs that he had, in the first instance, obtained that the king's cause should be committed to Cardinal Wolsey and Warham, Archbishop of Canterbury; and then had induced the Pope to promise to confirm whatever sentence the legates should pronounce, and to sign the promise with his own hand, and to commit the Decretal Bull, as the cardinal had in the king's name desired, to the other legate Campeggio.

The next difficulty that has perplexed historians, taking things in chronological order, regards the Breve which the queen produced in the autumn of 1528. The production of this Breve altered the whole appearance of affairs, as it was worded in such a way as to elude most of the objections which had been urged against

Julius' Bull of Dispensation. The genuineness of the Breve was called in question, and the commission of the legates, of course, did not empower them to deal with this point, which did not arise till after Campeggio's arrival in England. And when the trial came on, and after Catharine had protested against the jurisdiction of the legates, the counsel for the king laboured to prove that the Breve was a mere forgery. Dr. Lingard, with his usual sagacity, asserted his belief that the Breve was genuine; first, because of its attestation by the Archbishop of Toledo and the Papal Nuncio who examined it in presence of the emperor and his council; secondly, from the conduct of Henry, who acted as if he knew it to be genuine. An additional evidence of the fact that the king and Wolsey thought the Breve was probably genuine, even in the earliest stage of the trial, is to be derived from Number LXVIII, where the words providing for the case of the Breve being found genuine, and pronounced so accordingly, *ubi si verum est, pro tali pronunciabitur*, are erased. And here it may be noticed that the alterations and erasures in drafts of letters, especially when made by the king or by Wolsey, are frequently of the utmost importance. Henry demanded that the original should be sent to England. This the emperor, of course, refused, and offered to deposit it with the Pope in order to a fair examination of it. But the king did not venture to accept this offer; it may be added, that the whole correspondence shews that the king, if he were, as he probably was, at first in doubt about its genuineness, very soon came to the conclusion that it was authentic. Dr. Lingard's third reason is deduced from the fact that Bishop Fox deposed that several dispensations were obtained. But a stronger argument than all these may be derived from the wording of the Breve itself. It may safely be

affirmed that Catharine could not have been a party to any such forgery—though it would be impossible to deny that such a forgery might have been executed by the emperor's connivance, or even at his special instigation; but no forger, who had seen the Bull of Dispensation, with its cautious statement that the marriage had, perhaps, been consummated, would have gone beyond the original instrument to state that the marriage had actually been consummated, at the very moment that Catharine was vehemently protesting that the fact was otherwise, the non-consummation of the previous marriage being by far the most important part of the case, and, in fact, being the one point on which the judgment would turn. Several documents (Numbers LXIV, ———, LXX) have been printed in this Collection bearing on the Breve, from which, as well as from others published in the State Papers, it appears that great efforts were at first made to impugn its authenticity, but that these were afterwards altogether given up. That there was a *prima facie* suspicion attaching to the Breve must be admitted, for it was very opportune for the queen's case; and it was dated December 26, 1503, in the first year of the Pontificate of Julius II; the Bull bearing the same date, 7 Kal. Jan. 1503, of the first year of the Pope's reign. Dr. Lingard accounts for the existence of the Breve, as well as for the error of date, by alleging that the Bull had been hastily expedited at the urgent solicitation of Isabella of Castile, who wanted a copy of the dispensation to be sent her before her death, and did not contain what (see Rymer xiii, 80) was required by the treaty of marriage, viz. that the future marriage should be good notwithstanding the previous marriage with Arthur had been consummated. He supposes that the deficiency of the Bull in this respect,

when it was discovered, was represented at Rome, when a second dispensation was issued supplying the defects of the former one; and, he adds, it was usual on such occasions to employ in the last instrument the original date, and that, in all probability, the clerk, in copying from the first dispensation, forgot that the commencement of the year by which Breves were dated was six days earlier than that for Bulls. Since the publication of Dr. Lingard's History, two original documents, one from the Cotton Library, one from the Record Office, have come to light bearing on the subject. The first of these is printed as Number I of this Collection, the other may be read in Gairdner's second volume of '*Letters of the Time of Henry VII.*' p. 112. Nothing could be gathered from any documents seen by Lingard as to the real time when the Bull and the Breve respectively were executed. Herbert had printed a letter from the Pope to Henry VII, dated February 22, 1505, in which Julius II speaks of the original Bull as having been kept by him, and a copy having been sent to Spain to console Isabella on her death-bed; but there was nothing to shew that the promise had not been even made by word of mouth at the time of its date, till the publication of Mr. Gairdner's volume. It is plain, from Julius' letter of July 6, 1504, that it had not, at that time, been reduced to writing, though probably the Bull itself was drawn up at the same time that the copy of it was sent into Spain, i.e. about November, 1504, Isabella's death having taken place on the 26th of that month. The whole story is illustrated by several documents in the Simancas Records; and Dr. Lingard's argument is much strengthened by the fact that both Bull and Breve were ante-dated, and that neither of them had any existence except in the Pope's intention at the time at which they are dated.

Indeed it is clear that the Pope had not, at that date, even promised the dispensation. Why the 26th of December was fixed upon for the date it is difficult to say, unless that was the day on which the Pope made, or professed to make, up his mind to grant it.

The next point on which considerable light is thrown by the documents here published is as to the mode of obtaining the opinions of Universities and Divines at home and abroad. On this subject the first of these volumes will be found to be tolerably full. The account of this subject may be gathered from Numbers XCIX to CXXVI inclusive, and from CXXVIII to CXLVI, and from CXLVII to the end of the volume. Most of the papers illustrative of the dealings with foreign Universities and the Canonists and Divines of the North of Italy are extracted from a single volume which contains copies in Croke's hand of copies addressed to him or written by him to the king and others. Burnet had seen this volume, and makes several references to it; but he printed at length only one of the documents contained in it. His object was, as he himself states, 'to give full and convincing evidences of the sincerity of the king's proceedings in it,' and to rebut the charge made in the Act of Parliament of the first year of Queen Mary's reign, in which the corruption with money of foreign Universities and secret threatenings used to intimidate the English ones are spoken of. The few extracts, indeed, which had been made by Burnet, to most people would appear to prove exactly the opposite conclusion to what he wanted; but the correspondence is here produced nearly at full length for the first time, and there is ample evidence to convince any one as to the methods used with the foreign Universities. As regards Oxford and Cambridge, Burnet's account was extremely meagre. Of the transactions at Oxford he

appears to know nothing from original sources, except the three letters written by the king to the University at the beginning of March, 1530, asking for and hurrying on their decision. His account was taken from Herbert, and after 33 years, when he published his supplementary volume, he inserted in his Collection of documents these three letters, which are not very explicit, though the truth might easily have been elicited from other papers at Oxford, which were easily accessible. But the third volume of his History appears to have been written for the purpose of stringing together the papers which had been sent him from various quarters during the interval of time which elapsed between the publication of the first and last part of his History, and not in order to revise and correct the faults and omissions of the earlier parts. From the additional papers now published it may be seen how great difficulty was experienced in getting the decision in the king's favour, and how amply the expression of the Act of Parliament above alluded to is borne out. Warham's letters (in Number CI) shew how he was acting for the king, and how he was made to say that he had been informed that the Universities of Paris and Cambridge had already decided, before the 15th of March, 1530. The king, of course, knew that there had been no such decision given at Paris, and Warham, in all probability, must have known it too, and so he did not commit himself further than to say that he was informed that these Universities had given their decision. The University of Paris was so important that its decision would be likely to have great weight at Oxford. As regards Cambridge, the decision had been already given. The decree itself, with the insertion of the important words *carnaliter*

cognitam may be seen in Number CLXXVII, and the preliminary decree restricting the number of persons who should investigate the case to 33, of whom a majority should pronounce, appears as Number CLXXVI. As regards Cambridge, the present Collection adds nothing to what was published by Burnet. Of that given by the Faculty of Theology at Paris, the four documents relating to Pole's part in the transaction are all the contribution that these volumes add to the story as told by Le Grand.

We come next to the question of the proposal emanating from Clement VII, for the king to have two wives at once. The proposal appears in Herbert, in a letter written to the king by Sir Gregory Cassali, part of which was afterwards copied into Collier's 'Ecclesiastical History.' Burnet made the most of it, and hastily concluded that it was a *bonâ fide* proposal from the Pope, and that the Imperial party were anxious that this compromise should be effected. The parties more immediately concerned were wiser than the historian of the Reformation. It appears that each party saw through the meaning of the other. The documents bearing on this subject are extremely curious, and may be seen in Numbers CXL, CCVII, and CXLVII. Benet's letter of October 27 shews how he suspected the Pope's intention in hinting the matter to him which he alleges that Clement did soon after his arrival at Rome. From CCVII it appears that in September, or earlier, the same arrangement had been several times talked over between himself and the Pope. It is probable that the suggestion was made in order to give the Pope a handle at some future time to prove that the king had not, as he pretended, been actuated by considerations of conscience; but probably, at this time, each party knew

full well that the other was aware that this plea amounted to nothing in reality; for it is clear that the ambassadors, though pretending to be shy of the proposal when coming from the Pope, had it in their instructions to propose it themselves. Clement pretended that he was doubtful at first whether he had the power to give such a dispensation, but afterwards admitted that he had been informed by his divines that it was impossible; but it seems scarcely possible that the Pope was not aware from the first that such a dispensation exceeded his powers. The suggestion of two wives was not, however, originated by the Pope; the first suggestion of it occurs in the heads of 'Instructions' given to Brian and Vannes nearly a year earlier, as may be seen in Number LXIX; and what is most strange of all, this document must have had Wolsey's sanction, for he overlooked it, and in two places corrected it with his own hand.

So much may suffice to point out what may be found in these volumes illustrative of doubtful points. As far as regards the main thread of the history of the Divorce, its many complications, and the results to which it directly or indirectly led, the subject is too large to be entered upon in this place. And it needs only be added, that the documents here published will not, by themselves, supply sufficient details to enable a person wholly ignorant of the History to form an adequate idea of its course. But if read in conjunction with those published in Burnet's Collection and those printed in the 1st and 7th volumes of the State Papers of the reign, issued by the Government, they will give an impression of the political affairs of England more minute in its details than Dr. Lingard has presented, and more just than

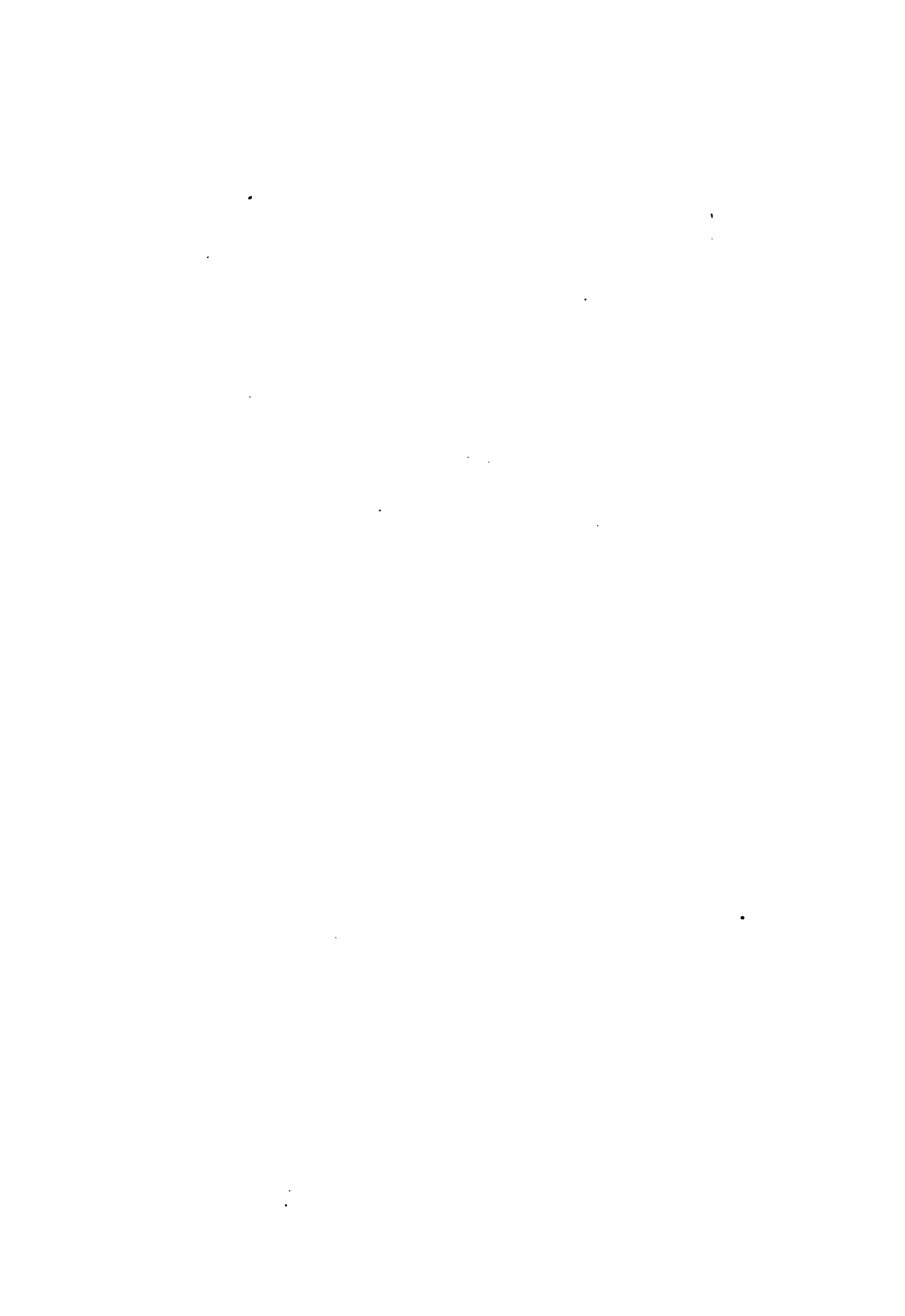
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can be found in any other modern historian of the period. It is my hope soon to be enabled to publish a condensed account of the period such as may be gathered from a comparison of all the documents hitherto published ; but some few months must elapse before it can be ready for the press.

N. P.

CLIFTON, *July* 31, 1870.



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RECORDS
OF
THE REFORMATION.

Number I.

*Holograph letter from Hadrian de Castello to king Henry
the Seventh.*

SACRA Regia Majestas, humillime commendata.

Record
Office.

Primo hujus mensis scripsi vestræ Majestati, ei significans assumptionem sanctissimi domini nostri Julii secundi ad Pontificatum, qui intra decem dies coronationem suam ordinavit, primâ die in Basilicâ Sancti Petri, sequenti vero die in ecclesiâ Sancti Johannis Lateranensis, maximo apparatu et ornatu, utpote qui est Pontifex liberalitate et animo insignis, ac rerum usu apprime pollens, et 32 annorum Curialis. Est etiam toti populo gratus et mihi jam inde a pueritiâ optimus dominus.

Cum vacaret sedes, venit domum meam, dignatusque est me ægrotantem adhuc visere, et deinde, cum in conclavi essemus omnes Cardinales, ut moris est, ubi unam tantum diem et noctem morati sumus, bis cubiculum meum ingressus, familiarissime et humanissime me allocutus est, quod certe nulli Cardinalium fecit. Quâ ego integritate usus sim in electione duorum Pontificum, addo etiam et abstinentiâ, omnibus palam est, qui ne pilum quidem ex eâ electione domum reportavi, neque rem, neque spem, præter gratiam et favorem, quo certe tam Pius bonæ memoriæ quam modernus Pontifex me prosequerentur. Ago gratias Deo et vestræ Majestati qui dant

mihi affluenter, unde bene vivere, et sine corruptelâ degere valeam. Post ipsius Pontificis creationem, sequenti mane, coram C[ardinale] Salernitano, viro continentissimæ vitæ, rogavi suam Sanctitatem, ve[llet] mihi officium collectoriæ quod mihi tres pontifices præd[ecessores] sui dedissent, confirmare. Sua Sanctitas, quâ est benign[â semp]er in me benivolentiâ, libenter se id facturam recepit, [et bre]via deinde expediri mandavit, quæ istuc cum præsentibus misi. Posterâ die suam Sanctitatem, unâ cum Cardinale Sanctæ Crucis, viro gravissimo et mihi amicissimo, visitavi Sanctitatem suam; ac, ut erat sua Sanctitas jam tumultu ac frequentâ accurrentium aliquantulum liberata, me benigne audivit. Exposui de vestrâ Majestate quæ de tanto principe tacenda mihi non erant, quod esset huic sanctæ sedi devota vestra Majestas, quod dedita, quod semper obsequentissima; recensui multa ac magna quæ pro ipsâ sede fecerat atque illi concesserat ligam, cruciatus, subsidia pro fide contra Turcum. Non omisi laudes vestræ Majestatis de Catholico et religioso suo animo, de sapientiâ, et multis naturæ dotibus; quæ, ut vitem assentandi suspensionem, in meis ad vestram Majestatem literis omittam.

Veni postea ad petendum dispensationem inter clarissimum et illustrem vestræ Majestatis filium et Catholicorum Regum Hispaniarum filiam; de bullâ indulgentiæ corrigendâ etiam aliquid dixi; utrobique, quæ ad rem faciebant adjeci. *Sua Sanctitas de dispensatione ubi valde laudaverat vestram Majestatem et ad omnia optime responderat, dixit rem graviorem esse, nec se primâ facie scire, an Pontifici liceat in tali materiâ dispensare: se si fieri possit libenter satisfacturum votis tam Majestatis vestræ quam Catholicis illis regibus, quorum [Or]ator hic existens jam secum prius verba fecerat.* At ego respondi non solum Pontificem summum posse, sed a[llegati]s honestissimis causis et urgentibus etiam debere dispensare. [Alle]gavi sæpius et recentibus exemplis ab Alexandro, Innocentio, Sexto et aliis suis prædecessoribus factitatum; dixit denique sua Sanctitas se consulturam aliquos Cardinales in hâc re, inter quos me etiam nominavit. Ego vero posteaquam omni diligentâ negocium cum suâ Sanctitate versaveram, commendatâ materiâ hâc et aliis vestræ Majestatis rebus suæ Sanctitati, recedens iterum commemoravi bullam indulgentiæ vestræ Majestatis. Sua Sanctitas dixit se visuram

minutam bullæ et alias mecum collocuturam. Vere sua Sanctitas videtur vestræ Majestati satis benivola, et spero erit etiam concessa; quod ut faciat, ego quâ valebo gratiâ et favore unâ cum omnibus meis dominis Cardinalibus et amicis incessanter operari non cessabo, ut feci in felicis recordationis Domino Alexandro patrono meo. Dixi insuper suæ Sanctitati de tribus ecclesiis, viz. Cantuariensi, Cicestrensi, et Assavensi expediendis juxta literas commendatitias vestræ Majestatis desuper scriptas; et recitavi Dominum Pium commisisse mihi illarum expeditionem, sed morte præventum non potuisse perfici negocium. Sua Sanctitas commisit mihi expeditionem, et ut, formato processu consueto, referrem in sacro consistorio, voluitque me rogare ut prior esset omnium aliorum in primo consistorio suo expeditio ecclesiæ Cantuariensis, dicens se velle incipere ab insigni ecclesiâ [qualis] est Cantuariensis, nec facere ut fecit Pius qu[i pri]mo suo, eodemque ultimo, consistorio ecclesiam tantum []rinam expedit. Promisi ego me id facturum. Expe[dita e]rit itaque prima Cantuariensis in primo Julii consistorio, et [cum] serenissimæ vestræ Majestatis bonis auspiciis absoluta; et [quum] bullæ mittentur, etiam scribam.

Nova Italiæ ad præsens parva sunt quæ significare vestræ Majestati valeam. Res Regni Neapolitani in eodem sunt gradu. Exercitus Gallorum qui hinc superioribus ebdomadis transierat, adhuc Regnum intrare non potuit; sunt gentes omnes eorum cis Lirim amnem qui Gariglianus dicitur, supra quem hedificare cœperant pontem unde trajicere possent. Hispani dissimulare et segnitiam ac metum causari cœperunt quoadusque illi semiconfectum pontem relinquere coacti fuerunt. Ex insidiis enim subito prorumpentes Hispani pontem deturbare, et tormentis machinisque bellicis propellere hostem non omiserunt. Mire narratur premi uterque exercitus, penuriâ frumenti, ac commeatûs reliqui; sed majori Gallus quam Hispanus, cum Hispano Sicilia ac quod est a tergo residuum Regni subveniat.

Cum hæc scribebam, allatum est nuncium Gallos qui obsidebant oppidum et arcem Salst quod est inter Narbonam et Perpinianum, ad duo milia cæsos ab Hispanis fuisse, et vallum Gallorum [fractum] et dirutum esse, tormenta que aliquot bellica adempta eis fuisse.

Volui quæ hic narrantur quæ [que] scriptu digna puto, vestræ Majestati significare. Creditur [hâc] hieme parum exercitus ipsos profecturos, sed in c[astris] se collocaturos ac proximo vere, nisi pax [vel] induciæ fiant extrema molituros. In quâ pace compone[ndâ] Sanctissimus Dominus noster quibus poterit modis operari non cessabit. [Deu]s illam ad optatum finem perducatur¹.

[Dec. 1503.]

¹ This is one of the few original documents of the time of Henry VII which has been preserved in the Record Office. It is at present amongst the papers of the Divorce, belonging to the date 1529. It had evidently been preserved for evidence at the trial; the words in *Italics* being underscored in the MS.

It had escaped the notice of the editor of the "Letters and Papers illustrative of the reigns of Richard III and Henry VII." Another letter from the same to the king, written a few days later, and alluding to the same subjects, has been printed in Gairdner's second volume of *Letters*, &c. p. 112.

Number II.

Letter from pope Julius II to Henry VII, on the dispensation for the marriage.

CHARISSIMO in Christo filio nostro, Angliæ Regi illustri. Record
Charissime in Christo fili noster, Salutem et Apostolicam bene- Office.
dictionem. Accepimus literas tuæ serenitatis, in quibus nobis gratias agis, quod Oratoribus tuis honorifice obviam proditum sit, quod nos eos benigne audierimus, ac liberali responso opportunisque gratiis et favoribus prosecuti fuerimus: facis (fili Charissime) pro solitâ pietate, ut ea etiam tibi sint grata, quæ a nobis præteriri non solent. Declaravimus nostris bonis in te mentis affectum verbis et rebus quibus potuimus. Declarabimus et quotidie magis, ita exigente tuæ serenitatis in nos et sanctam Apostolicam sedem devotione et observantiâ singulari. De dispensatione matrimoniali nunquam negavimus, nec ullam suspensionem præbuimus, quo minus eam facere vellemus, ut aliqui minus vere dixerunt. Sed respondimus, nos expectare in illâ concedendâ tempus magis accommodatum, ut consultius et maturius fieret, cum hujus sanctæ sedis et utriusque partis honore. Eam itaque cum expediverimus, ut deliberavimus, ad tuam serenitatem (magni enim momenti est) per dilectum filium Robertum Shirbonensem, Decanum sancti Pauli Londoniensis, unum ex Oratoribus tuis, qui maximâ doctrinâ modestiam, fidem, diligentiamque præ se tulit, mittere cogitamus; duplici ratione, cum quod per eum secrete et tutissime perferetur, tum ut talem virum tantæque virtute ac probitate præditum serenitati tuæ diutius præservemus, ut ejus fide et operâ diutius frui possit. Romæ enim sine vitæ periculo diutius esse non potest, propter aeris intemperiem et æstus intollerabiles complexionem suam adversos. Ex quo enim huc venit, nunquam langore corporis caruit. Si igitur eum ex hujusmodi periculo quamprimum exemeris, tibi fidum et bonum servum custodies, nobisque rem gratam efficies, quia ipsum ob ejus virtutem diligimus. Quod vero Cardinalem Sancti Petri ad vincula, nostrum secundum carnem nepotem, tam regni tui protectorem elegeris, valde lætatur; Speramus enim quod tuæ serenitati tuoque inclito regno, honori et emolu-

mento id erit. Nam cum lateri nostro assidue hæreat, tuamque in se benevolenciam et benignitatem augeri desideret, omnia summo studio favore et fide, Deo adjuvante, curabit; qui licet tribus tantum mensibus in legatione necessariâ a Romanâ curiâ sit abfuturus, nullum tamen tua negotia detrimentum passura sunt; nam nos jam illa in protectione nostrâ suscepimus, nostroque favore, ubi opus erit, fovebimus; venerabilisque frater Episcopus Wigorniensis, noster secundum carnem affinis, Orator tuus, ea prout solitus est, summâ fidelitate et diligentia curabit, una cum dilecto filio Edwardo Scott, tuo sollicitatore, nostroque cubiculario, quo magis libenter ipsum Robertum cum dictâ dispensatione, si serenitati tuæ visum erit, mitemus, illique fortasse nostro nomine aliqua tibi referenda commitemus.

Dat. Romæ apud Sanctum Petrum die sextâ Julii millesimo quingentesimo quarto, pontificatûs nostri anno primo².

² This and the following letter have been printed from an imperfect minute of the trial, which is in the Record Office. They were both printed, apparently from the same copies, by Herbert, pp. 247, 248, with the exception of the last half of the first letter. Herbert's text

had no material errors. There is a very incorrect copy in the archives at Simancas, an analysis of which appears in M. Bergenroth's Calendar, vol. i. p. 328. It has an endorsement in a later hand, 'Monday, the 24th of July, 1531.'

Number III.

Letter from Julius II to Henry VII, stating that a duplicate had been sent to Spain.

CHARISSIMO in Christo filio nostro Henrico Angliæ Regi illustri. Charissime in Christo fili noster, Salutem et Apostolicam benedictionem. Intelleximus a dilecto filio Galeotto Cardinali Sancti Petri ad vincula tui Regnique tui protectore, nostro secundum carnem nepote, et a venerabili fratre nostro Silvestro Episcopo Wigornensi tuæ serenitatis apud nos Oratore, literas dispensationis matrimonialis tantopere ab eis, nomine tuæ serenitatis, petitas, ex Hispaniis ad te missas fuisse. Fili Carissime, nos dispensationem ipsam instantibus Cardinali et Episcopo prædictis, tuâ potissimum contemplatione, concessimus, ac super eâ, sub Bullâ plumbeâ literas expediri fecimus, ut ad tuam serenitatem per Cardinalem et Episcopum antedictos statuto tempore mitterentur. Sed cum claræ memoriæ Elizabeth Hispaniarum Regina Catholica finem hujus mortalis vitæ sibi instare cerneret, impense et maximâ cum instantiâ per Oratorem suum nobis humiliter supplicâset, ut pro consolatione suâ duplum dictarum literarum ei concedere dignaremur, quod hanc consolationem sibi dare vellemus ut de hujusmodi dispensatione certior facta æquiori animo ab ipsâ vitâ migraret: Nosque pietatis Christianæ et nostræ in illam charitatis paternæ esse putavimus non defraudare ipsam Reginam jam jam morituram desiderio hujus rei, in quâ etiam subditis et Regnicolis illis bonam spem conjunctionis tuæ serenitatis posset afferre; præsertim quod idem Orator rem hanc secretam futuram pollicebatur, (quod ab eo non servatum molestissime ferimus); Bullam igitur originalem apud nos servatam serenitati tuæ, una cum Ense, quo te pro tuâ singulari virtute, et in sanctam sedem Apostolicam pietate donandum merito duximus, per eundem Episcopum Wigorniensem nobis probatum et earum decrevimus mittere, a quo serenitas ipsa tuâ uberius intelliget causas ejusdem Bullæ hactenus apud [nos] retentæ, et nonnulla alia sibi per nos commissa negotia. Nec miretur Majestas tua, si de hâc re nihil cum ipsis Cardinali et Oratore communicavimus, nunquam enim putavimus fore, ut ab Oratore

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dictæ Reginæ deciperemur, et literæ dispensationis prædictæ ad te ex Hispaniis mitterentur, quas ut solum Reginæ tam periculose ægrotanti pro solamine suo ostenderentur duplicari concesseramus. Nam, præterquam tuæ serenitati de nobis et sanctâ Romanâ Ecclesiâ benemeritæ gratificari cupimus, ipsis et Cardinali et Episcopo Oratori tuo meritam fidei et diligentiae laudem in tuis negotiis promovendis dare debemus.

Dat. Romæ apud Sanctum Petrum die vigesimâ secundâ Februarii, anno millesimo quingentesimo quinto, pontificatûs nostri anno secundo³.

³ On the 17th of March following, the bishop of Worcester wrote to the king to the same effect. This letter is printed in full in Gairdner's Letters and Papers, vol. i. p. 243, and epitomized in Bergenroth's Calendar, vol. i. p. 350. The bishop announces that he is coming to

England with the original bull of the dispensation for the marriage, and says that the pope had been grieved to hear that copies had been sent from Spain to England, the bull having been sent to queen Isabella at her request, for her comfort when she was dying.

Number IV.

*Holograph letter of bishop Fisher to cardinal Wolsey, on
the pope's dispensing power.*

SALVA sit tua celsitudo. Jam consultis omnibus istis (ut Record
Office. aiunt) mutis magistris quos ad manum trahere potui, diligenterque singulorum excussis opinionibus, et rationibus expensis, comperio, quod et tuæ sublimitati nuper scripsi, magnum inter eos esse dissidium, pluribus asserentibus id esse divino jure prohibitum, aliis contra pertinaciter affirmantibus, id divino juri nullo pacto repugnare. Et profecto pensitatis utrinque rationibus æquâ lance, mihi videor perspicere facilem enodationem omnium argumentationum quas illi producunt qui negant id divino jure licere; aliorum vero non ita facilem, ut et nunc mihi persuasissimum sit, non posse quâvis ratione comprobari quod prohibitum sit divino jure (quod hodie vim habet,) ne videlicet frater defuncti fratris absque liberis conjugem acciperet. Quod si verum sit et quod jam non dubito certissimum esse, quis jam, attentâ plenitudine potestatis quam Christus Pontifici contulit, negare queat, posse Pontificem dispensare, quatenus ob aliquam arduam causam frater sui fratris defuncti sine liberis uxorem sibi copulet? Cæterum ut concedam pares utriusque partis esse rationes, et neutras alteris præponderare, sed velut in æquilibrio stare suspensas, quum possint utrinque pari facilitate solvi, me tamen istud impelleret, ut sim in partes Pontificis inclinacior, atque propensior, quod sciam istud ab utrâque parte tributum amplitudini potestatis Pontificiæ, nimirum ut ambiguos Scripturarum locos, auditis in eâ re Theologorum ac Jurisperitorum sententiis, liceat interpretari. Alioqui frustra dixisset Christus, *Quicquid solveris in terrâ erit solutum in cælis et quicquid alligaveris in terrâ erit alligatum in cælis*. Quum igitur apertissime constet Pontificem haud semel facto suo declarâsse quod liceat in prædicto casu dispensare cum secundo fratre, hoc solum me vehementer moveret ad assentiendum, etiamsi [nullas omnino] rationes et probationes attulisset, sed essent ut dixi pares cum asseverationibus suis.

Verum nunc quum plane perspiciam, et rationes efficaciores

esse pro parte eorum qui Pontificis potestatem in hâc re tuentur; quumque præter hoc advertam quibus verbis et quam plenissime tradita sit Pontifici potestas a Christo; quum et denique clarissimis testimoniis intelligam ejusmodi dispensationem effectui sæpius commendatam; nullus omnino scrupulus superest quin istud Pontifici liceat, ut cum fratre dispenset quatenus alterius fratris absque liberis defuncti conjugem accipiat. Habet itaque paucis tua celsitudo quid ego super hâc re sentiam. Jam reliquum est ut amplitudini tuæ prosperam et longævam optem incolumitatem.

Ex Roffâ.

Per me Sublimitati

Devinctissimum,

Jo. Roffâ⁴.

⁴ This letter was written in May, 1527. It was enclosed by Wolsey to the king in a letter written June 2, 1527, which is printed in State

Papers, vol. i. p. 189. Fisher's letter was printed in Collier's Ecclesiastical History, but with several mistakes of copying.

Number V.

Holograph letter from Sampson to cardinal Wolsey, alluding to the great matter.

PLEASE it your grace, I have differred to advertise your ^{Record} grace of such things as are occurrent here, by cause that I ^{Office.} would more clearly consider and observe as near as I might the effectuous manner of some things before that I should write.

The King's grace, the queen, my lady princess, blessed be God, are in right prosperous health. The whole court also (God continue it) is in good quietness without fear of any dangerous diseases.

The great matter is in very good train; good countenance, much better than was in mine opinion; less suspicion or little; the merry visage is returned not less than was wont; The other party, as your grace knoweth, lacketh no wit, and so sheweth highly in this matter. If that I perceive otherwise or more, I shall not fail to advertise your grace with diligence. The 23 day of this month the King's highness departed from Honsden towards Beulieu. And though that his grace was ready to depart by a good space, yet he tarried for the Quene. And so they rode forth together. As knoweth our Lord, who preserve your grace in most prosperous health and honor with like successes in your great affairs.

At Beulieu, the 25 of July [1527].

Your humble bedeman,

Rich. Sampson.

To my lord legate's grace.

Number VI.

*The king to the college of cardinals, accrediting Knight.
Draft in Vannes' hand.*

Vitell. B.
x. fol. 93,
al. 104.

HENRICUS, etc., Reverendissimis, etc.

Etsi severa ista calamitas quam tam diu indignissime sustinetis, nullâ videatur posse consolatione leniri, ingens tamen affectus quo sacrosanctum istud collegium semper amplexi sumus, nos cogit ut quum nullâ aliâ ratione possimus, literis et nunciis benevolum nostrum animum testari, dolorem aperire, ac si quod superest, miserandis istis rebus solamen adhibere.

Hujus itaque officii gratiâ, tum etiam ut aliqua gravissimi momenti nostro nomine vestris Reverendissimis Dominationibus exponat, dilectum nostrum consiliarium, primumque Secretarium et Oratorem, Reverendum Dominum Willelmum Knyght ad vestras Reverendissimas Dominationes impræsentîâ mittimus, quibus persuasum esse volumus, ea vigili animo assidue a nobis cogitari et moliri, quæ arbitramur posse ipsarum rebus et statui conducere. Dictas igitur vestras Reverendissimas Dominationes iterum atque iterum rogamus ut propensam hanc nostram de sacro isto collegio benemerendi voluntatem humanissime excipere, et eidem nostro Secretario, perinde ac nobis ipsis fidem certissimam in omnibus præstare velint. Quæ, etc.⁵

⁵ This and the following documents, and three others forming Art. 52 in Vitellius, B. x., mostly belong to the year 1527, but have been wrongly entered in the Cotton catalogue as having been all written in May, 1528. They are otherwise rightly described as seven

draughts of letters to Rome. The date of this letter must be early in September, 1527, just before Knight left London. There is one other letter in Art. 52, written by the king, accrediting Sir Gregory Casali. The others are all by Wolsey.

Number VII.

*A draft of a letter from Wolsey to the pope, written in
Sept. 1527, accrediting secretary Knight.*

BEATISSIME pater, &c.

Vitell. B.
x. fol. 91,
al. 102.

Si in acerbissimo isto vestræ Sanctitatis luctu, et publicâ totius Christianitatis perturbatione, velim consolationem ullam adhibere, nil profecto aliud video me posse assequi quam ut utrinque ex tantâ infelicitate conceptum dolorem augeam, quem vel hæc una ratio multâ in parte jam posset emollire; ac ex tantâ tamque indignâ successuum adversitate, eam jam fortitudinem Sanctitas vestra induisse et eos animos et spiritus sibi comparâsse debet, ut, optimorum consiliorum in publicæ tranquillitatis gratiam antea susceptorum conscientiam freto, graviora nulla amplius pericula his quæ passa est, timenda sint, memineritque, Deo duce, se sanctamque Christi ecclesiam post tam sævos superatos fluctus in pristinum splendorem restitutum iri, ac tam ingentium malorum recordationem non mediocri aliquo Sanctitati vestræ oblectamento futuram; bono itaque animo esse non gravetur, et ita affectus divinâ suâ prudentiâ moderetur, ut eos potius conculcasse, quam his succubuisse existimetur, eamque ego ex publicis actionibus spem concepi, ut brevi confidam omnia pacata iri.

Quâ in re, etsi adeo ex animo laboraverim, ut in propriâ fol. 91 d. conservandâ salute plura præstare nequivissem, doleo tamen longe minus hactenus profecisse quam rei magnitudo exposcit, meaque fides et observantia maxime vellet. Habet vestra Sanctitas pientissimum hunc Regem, qui officium nullum in afflictis vestræ Beatitudinis juvandis rebus hactenus prætermisit, nec proprio sanguini, nedum opibus, parcens antea conquiescet quam re quâpiam filialem suum affectum et in apostolicam sedem studium testatum fecerit.

Interea vero, quum aliâ ratione nequeat, ad Sanctitatem vestram consolandam Oratorem mittit, dilectum suum consiliarium, primariumque Secretarium Reverendum Dominum Wyllellmum Knyght, qui etiam pro nonnullis gravissimi momenti, pro eodem Serenissimo Domino meo Rege impetrandis rebus humillime Sanctitati vestræ supplicabit.

fol. 92.

Tantopere ejus Regiæ Majestati cordi sunt et tantâ earum sollicitudine afficitur, ut in humanis nihil queat ardentius aut vehementius expectare, et ego judicem nunc esse oblatam occasionem, quâ vestra Sanctitas ex devincto, eum perpetuo devinctissimum sibi suisque omnibus reddere, et si unquam antea in hoc maxime suo voto benigne indulgendo, sui juris et arbitrii totum facere queat; quod negotium pluribus non commendabo, hoc duntaxat addens, nullâ in re vestram Sanctitatem æque ac in hac posse dictæ serenissimæ Regiæ Majestati gratificari.

A me vero omnia expectet quæ unquam etiam cum propriæ salutis discrimine præstari poterunt. Quemadmodum idem Dominus Secretarius meo nomine coram referet uberius. Cui vestram Sanctitatem humillime rogo, ut indubiam fidem in omnibus præstare dignetur ⁶.

⁶ It is not likely that this letter was ever sent. The very same letter, a little polished, was sent, Dec. 5, from London, by Wolsey to the pope, accrediting Sir Gregory Casali. It has been printed from the

original in the Vatican Library by Theiner, in his *Monumenta Vetera Hibernorum et Scotorum*, p. 559. As it was intended to accredit Knight, it must have been written not later than Sept. 1527.

Number VIII.

*Wolsey to the college, accrediting Knight.**Draft in Vannes' hand.*

REVERENDISSIMI in Christo patres ac illustrissimi
domini, etc.

Vitell. B.
x. fol. 93
bis, al. 105.

Tantopere communi istâ sacrosancti collegii nostri afflictione excrucior ut dolorem tam diu cordi inhærentem gravis recordatio non sinat exprimere. Nihil tamen de officio observantiâque meâ unquam remisi; nulli rei aut discrimini peperci, ut tempore tam turbulento meam erga Sanctissimum Dominum nostrum, sacrumque istud collegium, fidem possem comprobare; nec unquam conquiescam, etiam si sanguis ipse fuerit effundendus, donec in Apostolicæ sanctæque Romanæ sublevendis rebus aliquid profecero; eaque omni industriâ assidue undique molior, quæ censeo consternato ecclesiæ statui, ullo modo posse conducere; et nihilo minora vestræ reverendissimæ Dominationes a me utcumque absente expectent quam ullo meo consilio, operâ aut sanguine præstari poterunt.

Sed super his aliisque quam multis Reverendus Dominus Willelmus Knyght, primarius serenissimi domini mei Regis Secretarius et Orator, meo nomine vestris reverendis Dominationibus exponet; eas ideo rogo ut eam quam mihi ipsi haberent fidem ei præstare velint, quibus me etiam atque etiam reverentissime commendo; et feliciorem rerum faciem eis universæque Christianæ reipublicæ a Deo precor.

Number IX.

*Wolsey to a cardinal, of the same date as the above,
accrediting Knight.*

Vitell. B.
x. fol. 89.

REVERENDISSIME in Christo pater et Domine mi
observandissime, Humillimas commendationes.

Neminem arbitror ex gravissimâ istâ rerum afflictione majorem quam ego dolorem concepisse; quam indignam rerum acerbiter maxime vellem posse vel proprio sanguine corrigere. Interea tamen omnia, tum apud regiam hanc Majestatem, tum apud Regem Christianissimum et Cæsarem experior quæ Sanctissimi Domini Nostri, sacri istius Senatûs Apostolicæque se[dis] rebus expedire posse arbitror, omnino vigili curâ molior. Nihil intentatum relinquo ut tempore tam turbulento mea fides et observantia palam constet; et nonnulla jam effeci, quæ sereniorum success[urum] faciem aliquam nobis polliceantur. Et quum tam crudele illatum malum nequeat uno impetu reparari, spero futurum quandoque ut, tantis superatis calamitatibus, suum nitorem, pristinamque dignitatem, sancta Apostolica sedes in perpetuum recuperet; in omnemque eventum sic meam devotionem et fidem comprobabo ut haberi possim sanctæ Romanæ Ecclesiæ membrum, licet indignum atamen non omnino inutile ac stupidum. Cætera ex Reverendo domino Willelmo Knyght, primario hujus Majestatis Secretario distinctius vestra Reverendissima Dominatio cognoscet. Cui ut indubiam fidem velit habere, eam impense rogo, comperitissimumque ipsa sibi habeat, se nihil posse serenissimo Domino meo Regi gratius præstare, nullâque occasione ipsius animum sibi arctius devincire, quam si omni suo favore, consilio et gratiâ eidem Secretario in suis agendis sedulo adfuerit, percipietque vestra Reverendissima Dominatio sua officia in principem non ingratum fore collocata.

Number X.

The pope to sir Gregory Cassali, announcing a safe conduct for him.

CLEMENS PP. VII.

DILECTE fili, salutem et Apostolicam benedictionem. Record
Agentes hic Cæsarei cum tuum in Italiam adventum, et huc, Office.
ut cum dilectis filiis Generale Sancti Francisci et Domino de Original
Vere, nuper a serenissimo Cæsare missis, super rebus univer- on vellum.
salem pacem concernentibus colloquaris, veniendi desyderium
intellexissent; tibi, nobis etiam procurantibus, saluum conduc-
tum super hoc concesserunt. Quem nos ad te per dilectum
filium Angelum del Vantaggio familiarem nostrum mittimus,
prout ex ipso Angelo plenius intelliges, cui fidem habebis.

Dat. Romæ in arce Sancti Angeli sub annulo piscatoris die
10 Octobris MDXXVII. Pontificatûs nostri anno quarto.

Blosius.

Dilecto filio Equiti Casalio
serenissimi Regis Angliæ
Oratori.

Number XI.

*Extract from a letter of sir Gregory Cassali, written from
Parma, Nov. 23, 1527.*

Ex literis D. Gregorii, Parmæ datis, 23 Novembris, 1527.

REDIIT unus ex his quos miseram ad Pontificem, qui sæ- Record
pius est ejus Sanctitatem alloquutus, et consolatus, dicens me Office.
hic adesse cum pecuniis pro expediendis breviis, quæ ab ejus
Sanctitate petebam, significavitque quod bono animo essem
quod omnia libentissime concedet, et quod expectabat protho-
notarium Gambaram; post cujus adventum omnia expediret,
quæ ego petebam, et quod hoc significarem Reverendissimo
Domino legato. Intellexi postea quod dictus prothonotarius
obtinuerat saluum conductum et Romam proficiscebatur, et
cum eo Doctor Knyght.

Number XII.

Draft of a letter from the king to the pope, of Dec. 6, in Vannes' hand, a little corrected, accrediting sir Gregory Cassali.

Vitell. B.
x. fol. 90.
al. 101.

BEATISSIME pater, &c.

Etsi mallems ea post tam sævos turbines rediisse tempora, quibus acerbissimum vestræ Sanctitatis dolorem gratulando, e pectore tollere quam consolatione emollire possemus; filialis tamen nostræ observantiæ esse judicamus, dum non aliâ ratione licet, devoto saltem consolandi officio non deesse, et quod libentius et cumulatius coram præstaremus, id nunc literis et nunciis pari studio et affectu præstare.

Magnificum itaque Dominum Gregorium Casalium, Oratorem et Consiliarium nostrum plurimum dilectum, ad vestram Sanctitatem impræsentia mittimus tum, ut quæcunque hoc tempore fieri possit, istis heu nimium afflictis rebus consolationem afferat, tum etiam ut quædam maximi momenti, et quibus nihil nobis magis cordi est, nostro nomine a vestrâ Beatitudine concedi et indulgeri humillime supplicet; quæ quum sint hujusmodi ut rerum omnium ea maxime expectemus, Sanctitatem vestram iterum atque iterum enixissime obsecramus ut huic nostro desiderio dignetur, si unquam antea, nunc præsertim satisfacere, in eoque concedendo benignissimum ut solet, se præbere. In quo sic nos sibi in perpetuum adstringet ut nil posthac in ejus gratiam recusaturi simus.

Beatissime pater; Negocium hoc quod Dominus Gregorius vestræ Sanctitati nostro nomine exponet et de quo impetrando aget, ita cordi nobis est ut in eo obtinendo, si ullum unquam auxilium nostrum aut operam suis vel suorum rebus vestra Sanctitas optat, ejus nunc potissimum benignitatem ac facilitatem in hac re obtinendâ promptam ac facilem expectamus⁷.

⁷ The letter, in the terms in which it actually reached the pope, has been printed from the original at the Vatican, by Theiner, in the *Monumenta Vaticana*, p. 559. The edi-

tor states that the last paragraph is in the king's own hand. The draft is not dated, and the date is supplied from the Vatican document.

Number XIII.

Draft of the commission by which the pope was to delegate his whole authority to Wolsey during his captivity.

Copia cujusdam commissionis per Romanum pontificem factæ, &c.

CLEMENS PP. VII.

DILECTE fili, etc.

Magnus ille pietatis respectus, quem in Christianorum gremio curæ sollicitudinique nostræ concreditum, jam olim a suscepto primum munere pastorali quo Dei beneficio fungimur in terris, animo impressum retinemus, illas nobis cogitationes etiam in mediis malorum fluctibus, quibus ingrato nimis et impio scelere quorundam contumeliose jactati, ad miserum captivitatis scopulum allidimur et gravissimo naufragio laboramus, suggerere non desinit et inculcare, ut congrue nihilominus orbis tutelæ prospicere et præcavere, itaque providere studeamus, ut durissimi casûs sævicia qui nos patrem invasit, a filiis quoad fieri possit longissime arceatur, nec sublato quotidianarum necessitatum salubri remedio, communem nobiscum sentiant captivitatem.

Animadvertentes itaque per captivitatis miseriam quâ nunc turpissime detinemur, non modo personæ nostræ copiam, quam omnibus eo loco expositam esse convenit, quo veluti ad communem parentem, tum liberrimus tum tutissimus ultro citroque pateat accessus, coartatam fore; verum etiam propter detinendum vim atque auctoritatem, animi judicii que nostri, prout res incidet, præstandi et exequendi libertatem, nonnihil impeditum et diminutum iri; ac volentes proinde vires auctoritatemque nostram aliis demandare qui ad sublevandas hominum necessitates cum omni nostræ potestatis plenitudine præsentibus facili tutoque adiri^s, ac libero animi judicio in cohibendis, refrenandis et relaxandis commissæ sibi auctoritatis habenis uti possint et valeant:

Te quem pro tuis in sedem Apostolicam meritis unice charum habemus, ac pro egregiis illis quibus præpolles virtutibus,

^s The word is plainly *adiri*, but probably is a mistake for *aditu*.

longe dignissimum judicamus qui partes nostras tractes et vices absentis posses supplere.

fol. 220. Ad exercendum, exequendum et expediendum omnia ea et singula quæ nos de potestate vel ordinariâ vel absolutâ in remittendis, relaxandis, limitandis aut derogandis canonibus facere possemus, absque aliquâ restrictione, etiamsi ad divinæ legis relaxacionem, limitacionem aut moderacionem casus pertineat, fueritque ejusmodi in quo sedes Apostolica non consueverat dispensare; necnon gracias, privilegia, indulta et indulgencias ex mero motu, vel ad postulacionem supplicantium concedendum, concessa autem per nos aut prædecessores nostros declarandum, interpretandum et eadem ex viciis surreptionis aut obreptionis aliisque causis quæ apparuerint, cassandum, irritandum et annullandum; archiepiscopis, episcopis et abbatibus per electionem, postulacionem aut alias assumptis sacras benedictionis manus imponendum, ac illis ordinis et jurisdictionis suæ executionem conferendum, necnon de archiepiscopatibus, episcopatibus et abbaciis ac aliis quæ consistorialia dici solent, providendum:

fol. 221. Et generaliter absque aliquâ potestatis limitacione, omnia ea et singula faciendum, concedendum, indulgendum, commitendum, remittendum, relaxandum, astringendum, firmandum, exequendum, et mandandum quatenus nostra auctoritas a Domino Deo nobis sine exceptione commissa sese porrigat atque extendat, ut in omnibus et per omnia nostræ vocis organum censearis, nec tanquam alius a nobis aut delegatus, sed veluti nostro ore ac spiritu omnia proferens, ac faciens, citra omnem jurisdictionis gradum et ullam ad nos appellacionis interpositionem, quæcunque hominum necessitas efflagitaverit, vicarium nostrum, ita tamen ut per nominis hujus appellacionem, ex legum interpretacione aut illius vocabuli vi, minus tibi commissum non intelligatur quam quicquid nostræ personæ cohæreat auctoritatis; sed ut in inaudito casûs eventu insolitam potestatem per delegacionem exerceas, et quæ a nobis et pectoris nostri fonte per te semper manare intelligatur, facimus, constituimus et ordinamus, omnem potestatis et ordinariæ et extraordinariæ plenitudinem conferentes; ut illam ubique infra terminos legacionis tuæ libere exerceas et exequaris.

fol. 222. Et quicquid per Circumspectionem tuam, per cognitionem judicariam solemnem, summariam aut extraordinariam, pro-

cessus quoscunque faciendo, decreta et sentencias ferendo, pronunciando aut promulgando, easdemve executioni mandando, dispensaciones quascunque, aut gracias in præmissis concedendo et faciendo, remittendo, relaxando, limitando et generaliter in aliquibus prædictorum potestatem nostram vel ordinariam vel absolutam exercendo ut præfertur, actum, gestum, decretum, dispensatum, pronunciatum, mandatum aut executum fuerit, id omne et totum, quum primum pristinae libertati restituti fuerimus, ratum, gratum et firmum habentes in validissimâ et efficacissimâ formâ confirmabimus; nec eorum aliqua unquam infirmabimus aut infringemus, aut eorum alicui contraveniemus, nec interim, ante adeptam plenam et pristinam libertatem, præsentem concessionem revocabimus; declarantes etiam et protestantes per præsentem, nostræ intencionis esse ut præsens commissio sive delegacio auctoritatis nostræ tam diu suis viribus duret et consistat, quamdiu permanserit captivitas nostra, et quoadusque fuerimus pristinae libertati restituti. fol. 213.

Non obstantibus quibuscunque decretis, sentenciis, mandatis, rescriptis, literis aut brevibus in contrarium deinceps per nos tanquam irritatoriis, derogatoriis aut revocatoriis præsentis concessionis nostræ emittendis, destinandis aut promulgandis; quibus omnibus expresse per præsentem, derogantes, et illa omnia pro nullis, cassis, irritis et inanibus reputantes, ac talia esse et haberi, istisque omnino anteriora judicari, præsentia vero semper posteriora, et post illa repetita, emissa et destinata censerî, ac tanquam ultima et posteriora, contrariis sic deinceps emittendis, derogare debere pronunciamus, decernimus et declaramus et ceteris contrariis non obstantibus quibuscunque.

Dat. etc. [Sept. 1527.]

Number XIV.

Copy of a conditional dispensation for the king to marry again, on the supposition of the first marriage having been pronounced invalid.

Copia dispensacionis cum annotacionibus in margine adscriptis.

Record
Office.

TOTA hæc narratio ut est a dispensationis et gracie materiâ alienissima; gratiâ enim sedis Apostolicæ se indignissimum ostendit, quisquis sciens ecclesiæ constitutiones contempserit, sententiam excommunicationis incurrendo; sic est ipsa etiam falsissima, nec ex honore regiæ Majestatis etiam si vera esset, publice confitenda, quippe si verum esset invictissimum hunc regem quo tempore contraxerat et fratris relictam fuisse quam duceret, et minus validam dispensationem non ignorasse, verum utique esset ipsum semper in malâ fide fuisse annos decem et octo, excommunicationis sententiam neglexisse, et qui acerrimus fidei et ecclesiæ propugnator ac defensor fuit, claves interim ecclesiæ, gravissimo durissimoque exemplo, contempsisse. Absit hoc a tanto principe. Absit ut palam id de se fateatur, etiamsi verum esset. Sed ut est hoc crimen hæc Majestate indignum, sic in eo se poterit securâ con-

Carissimo in Christo filio Henrico Angliæ etc.

[Angliæ Regi fidei defensori salutem.]

Exponi nobis nuper fecisti quod alias tu et dilecta in Christo filia Catherina⁹, relictâ quondam fratris¹⁰ tui germani, non ignorantes vos primo affinitatis gradu invicem fore conjunctos, matrimonium per verba alias legitime de præsentî, non¹¹ saltem canonicâ seu validâ dispensacione desuper obtentâ, quamvis de facto contraxistis illudque carnali copulâ consummavistis, ac prolem ex hoc matrimonio suscepistis, excommunicationis sententiam incurrendo.

⁹ Katherina. ¹⁰ Arthuri fratris.

¹¹ minime.

scientiâ solari, quod a scelere semper in hoc matrimonio abfuerit, et aliorum consiliis fisus, optimâ fide in eo vixit, donec liberorum masculorum amissione admonitus, de singulis diligentius cogitare cœpisset. Expungâtur itaque hoc totum et, ad effectum consequendi gratiam, fiat in formâ communi generalis absolutio a quibuscunque sententiis.

Hoc petere nihil pertinet ad præsentem dispensacionem quam convenit absolutam esse et cum decisione ac dissolutione præsentis matrimonii non coniungi.

Addita hic oportuit hæc verba 'de præsentî' ne de matrimonio per verba de futuro contracto intelligatur.

Et quum Majestas tua in hoc matrimonio absque peccato remanere nequeat, et ne diutius in hoc peccato et excommunicationis sententiâ remaneat, desiderat¹² ab hac excommunicationis sententiâ a iudice ecclesiastico competenti absolutionis beneficium obtinere, ac *matrimonium ipsum nullum et invalidum fuisse*, tibi que licere cum quâcunque aliâ muliere¹³, et si illa talis sit quæ alias cum alio *matrimonio contraxerit*, dummodo illud carnali copulâ non consummaverit etiamsi¹⁴ tibi alias, secundo vel remotiori gradu consanguinitatis, aut primo af-

¹² remaneas, desideras.

¹³ muliere, alio non obstante canonico, matrimonium contrahere declarari, et in eventum declarationis nullitatis matrimonii huiusmodi, tecum dispensari ut cum quâcunque muliere etiamsi.

¹⁴ si tibi secundo consanguinitatis aut remotiori aut primo affinitatis gradu.

Hoc verbum asserentis calumniandi materiam posteris subministret quam merus Sanctissimi Domini nostri motus posset remove ut nihil ex parte Regiæ Majestatis asserendum sit.

finitatis ex quocunque licito seu illicito coitu conjuncta, dummodo relicta dicti fratris tui non fuerit, ac etiamsi cognitione spirituali aut¹⁵ legali tibi conjuncta extiterit, et impedimentum publicæ honestatis justiciæ subsistat, matrimonium¹⁶ liceat contrahere et in eo libere remanere et ex eo prolem legitimam suscipere possis. Quare pro parte tuâ asserentis ex antiquis chronicis regni constare, in ipso regno quamplurima gravissima bella sæpe exorta, et Christianam pacem et concordiam violatam fuisse propter impios homines suâ detestandâ regnandi et dominandi libidine excæcatos, confingentes ex justis et legitimis quorundam progenitorum¹⁷ tuorum Angliæ regum nuptiis procreatos, illegitimos fore propter aliquod consanguinitatis vel affinitatis confictum impedimentum, et propterea inhabiles esse ad regni successionem, indeque miserandam principum ac procerum et populorum subditorum stragem fuisse secutam¹⁸, nobis fuit humiliter supplicatum ut regni tui tuorumque subditorum tranquillitati et paci¹⁹ in primis consulere et

¹⁵ vel.

¹⁶ matrimonium *om.*

¹⁷ progenitorum et antecessorum.

¹⁸ secutam fuisse.

¹⁹ imprimis.

tantis malis obviare ac alias in præmissis opportuna²⁰ remedia adhibere de benignitate Apostolicâ dignaremur;

Nos qui omnium regum, præsertim Majestatis tuæ ob ejus quamplurima et immensa in nos et hanc sanctam sedem in quâ, permissione divinâ sedemus, collocata²¹ beneficia, dum ab iniquissimis pestilentissimorum hominum conatibus qui eam partim viribus et sceleratâ audaciâ, partim perversâ doctrinâ labefactare moliebantur, strenuissime cum viribus, et gladio, tum calamo etiam et eruditione tuâ vindicare indies non cessas, petitiones præsertim salutem animarum concernentes, quantum cum Deo possumus, ad exauditionis gratiam libenter admittimus, eorumque honestis votis faventes annuimus, ex præmissis et nonnullis aliis²² nobis notis causis hujusmodi inclinati tecum *ut si contingat matrimonium cum præfatâ Catherinâ²³ alias contractum nullum fuisse et esse declarari, teque ab illo vinculo²⁴ absolvi*, cum quâcunque muliere, ipsaque mulier tecum, dummodo²⁵ propter hoc rapta non fuerit, etiam si mulier ipsa talis sit, quæ prius cum

Hic multa consideranda sunt, primum num hæc conditio expressa noceat quæ tacite subesset. Deinde quoniam conditioe deficiente nihil agitur, ita connectitur hæc gracia cum causâ præsentis matrimonii ut ab improbatione futuri divorcii semper poterit impugnari, nunquam certa, nunquam firma erit quæ sic ab aliâ causâ pendeat. Et certissimam firmissimamque gratiam esse cui regia hereditas innitatur.

²⁰ oportuna.

²² nobis om.

²⁴ legitime.

²¹ collata.

²³ Katherina.

²⁵ illa.

Addenda hic duo verba de
præsenti.

Nihil hic dicitur de mero
motu summi pontificis qui om-
nem surreptionis causacionem
excludat.

alio *matrimonium* contraxerit,
dummodo illud carnali copulâ
non fuerit consummatum, eti-
amsi illa tibi alias secundo
aut remociori consanguinita-
tis aut primo affinitatis gra-
du, etiam ex quocunque licito
vel illicito coitu proveniente²⁶
invicem conjuncta, dummodo
relicta dicti fratris tui non
fuerit, ut præfertur, etiamsi
cognitionis spiritualis aut le-
galis et publicæ honestatis
justiciæ impedimentum sub-
sistat, et tibi conjuncta existat,
matrimonium licite contrahere,
et postquam contractum fuerit,
in eo sic contracto etiamsi il-
lud inter te et ipsam mulierem
jam de facto publice vel clan-
destine contractum et carnali
copulâ consummatum fuerit,
licite remanere valeatis, au-
ctoritate Apostolicâ et ex certâ
nostrâ scientiâ et de Apostolicæ
potestatis plenitudine, tenore
præsentium dispensamus, pro-
lem inde forsân susceptam et
suscipiendam legitimam fore
decernentes; Non obstantibus
prohibitionibus juris divini et
constitutionibus et ordinatio-
nibus aliis quibuscunque in
contrarium editis, quibus
quantum Apostolica auctoritas
se extendat, illis aliter in suo
robore permansuris, quoad hoc
specialiter et expresse dero-
gamus, Districtius inhibentes

²⁶ proveniente *om.*

et in virtute sanctæ obedi-
ciæ expresse mandamus²⁷, sub
interminacione divini iudicii
ac sub pœnâ anathematis
aliisque ecclesiasticis senten-
tiis, censuris et pœnis quas ex
nunc prout ex tunc et e con-
verso ferimus et promulgamus
in hiis scriptis, ne quisquam
imposterum ullum impedi-
mentum præcontractûs matri-
monialis non consummati, con-
sanguinitatis in secundo aut
remociori, affinitatis primo²⁸
gradu ut præfertur cognatio-
nis spiritualis aut legalis, seu
justiciæ publicæ honestatis im-
pedimentis prædictis adver-
sum liberos tuos quos ex quo-
cunque matrimonio vigore
præsentium contrahendo, Dei
benignitate susceperis, palam
vel occulto in iudicio vel ex-
tra illud allegare, proponere
aut objicere, seu verbo vel
facto diffamare præsumat aut
quocunque modo attemptet.

Nulli ergo hominum²⁹ etc.

Dat. in urbe veteri 10
Kal Januarii 1527³⁰.*

²⁷ mandantes. ²⁸ in primo.

²⁹ hominum *om.*

³⁰ Pontificatûs anno quinto is
added.

* This paper has been printed
exactly in the form in which it
appears in the Record Office. It
is written in a legible Italian hand;
and fastened to it is another copy

of the same document, written by a
scribe. The variations of the latter
copy are represented in the notes at
the foot of the page.

Number XV.

*Copy of the commission Taddeo took with him to Rome
when he started, Dec. 8, 1527.*

Minuta commissionis per Thadeum missæ.

CLEMENS, etc.

Record
Office.

DILECTE in Christo fili, salutem, etc.

Sedis Apostolicæ suprema auctoritas potestatis suæ copiam sic omnibus exhibet, ut pro causarum, personarum et temporum qualitate, remedia singulis ad ædificationem subministrare, et causas ad canonum sanctiones expensas, æquissimâ certissimâque lance trutinans, laborantibus conscientiis et fluctuantibus consulere, summamque ipsis tranquillitatem statuere contendat.

Cum itaque Charissimus in Christo filius noster Henricus Octavus Angliæ Rex, Fidei Defensor, et Dominus Hiberniæ suâ nobis conquestione monstravit, quod cum annos adhuc decem et octo nobilem mulierem Catherinam Ferdinandi quondam Hispaniarum regis filiam, illustris principis Arthuri, fratris sui defuncti uxorem, hortatu suasu ac consiliis eorum quibus in primâ regni administratione se totum crediderat, quâdam sedis Apostolicæ dispensatione prætensâ, sibi in bonâ fide matrimonio copulâset, ac ab eo tempore hactenus cum eâdem tanquam cum uxore cohabitâset, prole interim fœminâ susceptâ et superstite ex eâdem, ac jam tandem post desperatam prolem masculam, de stabiliendâ et confirmandâ ejusdem filiæ suæ successione cogitaret, lustratisque scriniis dictam super matrimonio præfato dispensationem faceret proferri, doctorumque virorum juditia examinari, cujus quidem dispensationis tenor sequitur et est talis, etc.

Quidam in regno Angliæ juris nostri consulti datam dictæ dispensationis cum narratis ejusdem conferentes, aliasque nonnullas quæ circa dictæ dispensationis impetrationem intervernerunt circumstantias ponderantes, bullam tam ex surreptionis et obreptionis viciis quam aliis etiam causis, minus validam et inefficacem esse renunciârunt et retulerunt, scrupulum dicti regis animo conscientiæque gravem injicientes, eamque sibi

opinionem induentes ut matrimonium prædictum non consistere, neque hactenus jure constituisse judicaret.

Cum autem, ut asserit, frequentius apud se animo volveret ac meditaretur, quales exitus hujusmodi nuptiæ præfatæ habuerunt, ex quibus viz. aliquot partus masculi imperfecti prodire minimeque vitales, atque ideo se omni spe successoris prorsus destitui, qui suam familiam ad paucos redactam conservaret, occurrente simul memoriæ Divinæ interminatione, quæ fratris sui turpitudinem revelanti, et illius uxorem, contra sacrosancta Dei præcepta, accipienti inscribitur, præsertim ubi nulla dispensatio intervenit, quæ ex omni suâ parte valeat et consistat; nonnullis etiam affirmantibus, nostram non eâtenus potestatem patere ut. in eâ specie gratiam faciamus, etiamsi, ut scribit, de nostræ potestatis plenitudine non dubitet, juste legitimeque interpositæ, quam summam in terris, agnoscit et veneratur; ad improbandas illas nuptias, tantum undique videt consensum accedere ut illas animo abhorreat, nec aliorum rationibus possit dissuaderi quin abhominandas eas judicet, et divinæ Majestati odiosas.

Quâ de re cum tua fraternitas ab eodem adiretur, atque dictæ bullæ defectus plurimi recitarentur, tum quia causa continuandæ pacis quæ tum coaluerat, fœderibus percussis constitèrat mutuis populi commertiis aucta, nec ullum violationis timorem incutiens, qui justus et non omnino vanus dici posset, adeo ut causa quæ prætensa est pacis nec urgentissima nec evidentissima merito videretur, quamobrem dispensatio in eo casu interveniret, tum quia preces in eâdem falsæ erant, quod narrabatur prædecessori nostro illum cupere contrahere matrimonium ad hoc ut pacis fœdera conserventur, cum eo tempore et impetrationem prorsus ignoraret, et per ætatem illum affectum induere non potuerat; tum quod protestatione postmodum interveniente, ac vim renunciationis habente, dispensatio tum per renunciationem extincta videretur; denique quod principes inter quos fœdera conservarentur, ante mandatam executioni bullam fati concesserant, et alia hujusmodi vicia proponerentur et a tuâ Circumspectione tunc ibidem objicerentur eidem, ac de veritate eorundem cœperas inquirere, causam tamen ipsam finali sententiâ terminare nolueras, ejus, viz. diffinitionem, cum validitatem dispensationis contingeret, nobis juditioque nostræ relinquens, sedis

Apostolicæ dignitati in eâ parte deferens prout decet; Idem igitur, charissimus filius noster, maximâ cum instanciâ nos precibus sollicitavit, quatenus personæ suæ et regni nobis semper devotissimi rationem habentes maturo judicio ab angustiis liberemus, quibus se usu præsentis matrimonii, per legem conscientiæ privatum, nec ad aliud per leges publicas ante sententiam admissam vehementer conqueritur, comprehensum esse.

Nos vero, cum consideramus quot, quantaque officia in sedem Apostolicam fidemque Christianam præ cæteris exhibuerit, promeritus eo nomine ut nostræ vicissim potestatis gratiam uberimam, et promptissimam referat, aliamque illius causam atque privati esse, ex quâ nimirum pendeat salus plurimorum, nec posse dictæ causæ decisionem diutius proferri et protelari sine gravi discriminis periculo, dicti vero principis cruciatu maximo, quem nos ex gratitudinis vicissitudine minuere debeamus, quâ decet festinatione procedere facientes ut ad finem celerime perducatur, de consilio fratrum nostrorum, quorum in hâc causâ tam gravi atque urgenti iudicium adhibuimus, ac etiam eorum quos et sacræ Theologiæ peritissimos et juris ecclesiastici callentissimos desuper consulendos audiendosque putavimus, quoniam vicia allegata ejusmodi esse comperimus quæ, pensatâ ipsius prohibitionis naturâ, vires ipsius bullæ merito enervarent, Circumspectioni tuæ cujus fidem, integritatem a justiciâ et æquitate nullo affectu flexibilem arbitramur, et multis antehac argumentis hujusmodi fore perspectum cognitumque habemus, dignissimus quidem nomine qui partes nostras tractes et suppleas autoritatis nostræ præsentiam, citra omnem jurisdictionis personæ ac gradum aut distinctionem in hâc causâ præsertim exhibiturus;

Ad cognoscendum et procedendum summarie et de plano sine strepitu et figurâ judicii, ac de et super viribus dictæ bullæ sive dispensationis inquirendum, ipsamque bullam sive dispensationem, si de viciis prædictis aut aliquo eorum tali probatione constiterit quæ licet aliis non perinde clara videatur, animo tamen tuo, religioni conscientiæque satisfecerit, et tibi verisimile apparuerit, vel pacem quæ in bullâ prætenditur sine hujus matrimonii contractu consistere potuisse et continuari, vel dictum charissimum filium nostrum ut allegabatur, non cupisse contrahere matrimonium ad hoc ut pacis fœdera conservarentur, vel denique principes inter quos fœdera

conservatum iri per illud matrimonium allegabatur, ante mandatam executioni bullam fatis concessisse, nullam, minus validam ex surreptione et obreptione, inefficacem, irritam et inanem fuisse semper et esse pronunciandum et declarandum ;

Matrimonium autem prædictum, quod ejusdem virtute consistere videtur, nullum ac minus legitimum esse, ac pro nullo minusque legitimo haberi deberi decernendum ; ipsos porro contrahentes ab omni contractu matrimoniali hujusmodi liberos, a consortio conjugali quod hactenus observârunt separari debere sentiendum, et auctoritate nostrâ separandum ;

Denique utrique ad contrahendum cum alio vel aliâ, novumque conjugium ineundi, licentiam et facultatem tribuendum et concedendum, citra omnem recusationem aut appellationis interpositionem quâcunque ex causâ fiendam, committimus et demandamus vices nostras.

Ac Circumspectionem tuam, adjuncto tibi venerabili confratri nostro Cantuariensi Archiepiscopo, Apostolicæ sedis legato et totius Angliæ primati, ad præmissa exercenda et expedienda, vicarium nostrum, vel si quo alio nomine uti poterimus, quod demandatam in prædictis auctoritatem ampliaret, cum omni potestatis plenitudine tam absolutæ quam ordinariæ, quatenus vel ad præfati matrimonii congruam dissolutionem, vel novi contrahendi firmam constitutionem, expedire videbitur aut pertinere, ita etiam ut auctoritate præsentis commissionis nostræ, cum omnibus illis canonibus ad validiorem efficaciorisque processûs tui firmitatem poteris dispensare, quæcunque eidem obstat putabuntur, omnemque defectum quâcunque ex causâ contingentem, nostræ auctoritatis interpositione, dispensationeque Apostolicâ supplere possis et valeas, tam prolem ex primo matrimonio³¹ suscipiendam, propter legitimitatem ejusdem ecclesiæ auctoritate et judicio comprobata, legitimam decernendo, pronunciando et promulgando, prout in illum eventum decernimus et declaramus, facimus, constituimus et ordinamus per præsentes.

³¹ There is evidently an omission, which may be supplied from the similar document which was afterwards drawn up. It must have been somewhat to the following effect :—
susceptam, si id ita expedire visum

fuert, quam ex secundo matrimonio. There is an omission in the copying, owing to the recurrence of the word *matrimonio*. See the form in Burnet's Records, part I, book ii, number x.

Et quicquid Circumspectio tua, adjuncto tibi venerabili confratri nostro antedicto, per cognitionem judiciariam summariam aut extrajudiciariam, processus quoscunque faciendo, pronunciando aut promulgando, easdemve executioni mandando, dispensationes quascunque aut gratias in præmissis concedendo et faciendo, et generaliter in aliquibus prædictorum potestatem nostram vel ordinariam vel absolutam exercendo, ut præfertur actum, gestum, decretum, dispensatum, pronuntiatum mandatum aut executum fuerit; id omne et totum, cum primum pristinae libertati restituti fuerimus, ratum, gratum, et firmum habentes, in validissimâ et efficacissimâ formâ confirmabimus, nec eorum aliqua unquam infirmabimus aut infringemus, aut eorum alicui contraveniemus nec interim ante adeptam plenam et pristinam libertatem præsentem concessionem revocabimus; declarantes etiam et protestantes per præsentem, nostræ intentionis esse ut præsens commissio, sive delegatio autoritatis nostræ perpetuo effectui gaudeat, et usque ad finalem prædictorum conclusionem extremumque terminum duret et consistat, non obstantibus quibuscunque decretis, sententiis, mandatis, rescriptis literis aut brevibus in contrarium, deinceps per nos tanquam irritatoriis, derogatoriis, aut revocatoriis præsentis concessionis nostræ emittendis, destinandis aut promulgandis; quibus omnibus expresse per præsentem derogantes et illa omnia pro nullis, cassis, irritis et inanibus reputantes, ac talia esse et haberi, istisque omnino anteriora judicari, præsentia vero semper posteriora et post illa repetita, emissa et destinata censerî, ac tanquam ultima et posteriora contrariis sic deinceps emittendis derogare debere pronunciamus, decernimus et declaramus et cæteris contrariis non obstantibus quibuscunque.

Dat. etc.

Number XVI.

Clement's breve to Wolsey announcing his escape.

CLEMENS PP. VII.

[DILECTE] fili noster, salutem et apostolicam benedictionem.

Vitell. B.
ix. fol. 202.
al. 203. ori-
ginal on
vellum,
burnt
round the
edges and
a little
shrivelled.

Etsi liberationem nostram quam tuæ præcipue Circumspectionis operâ consecuti videmur, arbitramur jam nuntiis et literis aliorum istuc esse perlatam; tamen ut primum in loco tuto [eramus], id duobus illis regibus, nostris in Christo filiis charissimis, tuæque Circumspectioni statim significandum, ac propediem dilectum filium Prothonotarium de Gambarâ nuntium nostrum ad eos remittendum duxi[mus, quo ea gratitudo quæ] vestræ pietati ex hoc debita esset, nobis etiam scribentibus ad vos perferretur. Non enim, fili noster, illa nobis ignota sunt, aut unquam obliviscenda erunt tuæ Circumspectionis itinera et suscepti pro n[obis lab]ores, ut præter tuum, etiam Christianissimum Francorum regem ad nos non solum legationibus et nuntiis, sed vi et armis liberandos permoveres.

Ex quibus illud postea secutum est ut illa ipsa [opera tan]to studio commota, etsi nos non liberârint, quod serum et perdifficile factu fuerat, tamen ad liberationem nostram non parum profuerint. Agimus igitur et isti serenissimo tuo Regi et tuæ quoque Circumspectioni [quas] possumus gratias, utinamque referre aliquando valeamus. Agnoscimus enim hæc ipsa tanti fuisse ac fore ut non nostrâ sed divinâ tantum gratitudine rependi possint. A te vero, fili noster, scimus o[mnia] peracta studio ac pietate, ut quamquam te ad id tua quoque impulerit dignitas, tamen nos una cum hâc sanctâ sede, cui singulari præsidio et sæpe antea et nunc maxime fuisti, pro re non tanquam a te perpetuo debitori simus.

Sed hæc omnia latius, conditionesque simul quas subiimus, necessitatemque quâ in id compulsi fuimus, idem nuntius noster mox tuæ Circumspectioni explicabit. Quibus a te intellectis, [et expositis], non dubitamus optimo te animo et solito in nos amore, hæc non modo suscepturum sed curaturum etiam apud utrumque illorum regum, ut hæc tam diu tolerata et necessitate a nobis ex [tracta, ne omnia ad] ruinam prorsus

collaberentur, non nisi quo a nobis gesta sunt, animo et amore suscipiant. Non enim diffidimus illud etiam futurum quod in nostræ liberationis conclusione maxime consideran[dum], et Dei clementiam, tuâ præcipue operâ nos coadjuvante, suam sedi Apostolicæ ac cæteris rem et dignitatem, pacemque universalem fessæ Christianitati restitutam videamus. Quod quidem si Dei dono [secutum fu]erit, tum illa quæ pertulimus mala nobis leviora aut nulla potius fuisse videbuntur. Itaque in hanc te fili curam, tuâ personâ et dignitate, atque istâ tantâ auctoritate [quâ polles,] consilia eorundem Regum, quæ pia et recta per se futura confidimus, in commune hoc bonum universalis pacis, redintegrandæque omnium, præcipueque Apostolicæ sedis, cujus onus tuendæ tibi [commisum] est, [quietis] et dignitatis, traducere velis. Quo quidem opere, nullum aut majus aut gloriosius aut Deo gratius a te excogitari potest. Sicut diffusius idem nuntius noster hæc mox prosequet[ur, cui Circumspectio tua] solitam fidem habebit.

Datum in civitate nostrâ Urbevetanâ, sub annulo piscatoris die 14 Decembris, MDXXVII. Pontificatûs nostri anno [quinto].

Blosius.

Dilecto filio nostro, Thomæ tituli Sanctæ Cecilie

S. R. E. presbytero Cardinali Eboracensi in regno
Angliæ et Apostolicæ sedis de latere legato.

Number XVII.

Autograph letter of Clement to Henry, sent by Gambara.

Vitell. B.
ix. fol. 207.
al. 220.

CHARISSIME fili, salutem et Apostolicam benedictionem. Dilectus filius, Electus Terdonensis, nuntius noster, quo nec aptiorem nec utrique nostrûm fidiorem habebamus, omnes res nostras tuæ Majestati copiose explicabit. Rogamus illam ut ei plenam fidem præstare velit, solitumque nobis amorem et huic sanctæ sedi protectionem continuare, in communi omnium, et præcipue ejusdem sedis bono procurando.

Dat. in nostrâ civitate Urbevetanâ, 18 Decemb. MDXXVII.

Number XVIII.

*Extract from a holograph letter of sir Gregory Cassali to
Wolsey on the state of affairs after the escape of the pope.*

ILLUSTRISSIME et Reverendissime Domine, Domine
mi colendissime.

Vitell. B.
ix. fol. 210.
al. 223.

Nos jam pervenimus ad summum Pontificem; quem miserum et solum invenimus; quum ex suis familiaribus exiguae tantum reliquiae supersint. Ex quibus Archiepiscopus Capuae, Capuae residet; et Episcopus Veronae petiit veniam, et impetravit Veronam eundi, ibi solitariam vitam acturus cum episcopo Teatinæ Civitatis. Quod mirum in modum toti Curiae displicuit.

Prothonotarius Gambarus magnâ cum autoritate a Pontifice in Galliam proficiscitur; affertque pileum magno Cancellario: inde in Angliam, et postremo in Hispaniam se conferet. Estque cum eo venturus Secretarius serenissimi Regis, qui bene expediverunt mandata Dominationis vestrae Reverendissimæ ac Illustrissimæ, quemadmodum ipsa videbit.

Ego saltem tricies literas scripsi ad Dominationem vestram Reverendissimam et Illustrissimam, nec unquam rescivi an aliqua ex illis ad eam sint perlatae. Quamobrem maximo dolore afficior. Valeat Dominatio vestra Reverendissima ac Illustrissima, cui me humiliter commendo.

Ejusdem Dominationis vestrae Reverendissimæ et Illustrissimæ,

humillimus servitor,

Gregorius Casalius.

Dat. Orvieti, Die 22 Dec. 1527.

Number XIX.

*Extract from a letter of sir Gregory Cassali, written at
Orvieto, Dec. 31, 1527. In Vannes' hand.*

Vitell. B.
ix. 215. al.
229.

EX literis Domini Gregorii die ultimo Decembris, Orvieti
datis.

.
Superfluum esse videtur quod Dominus Lautrech tam instan-
ter agat ut Pontifex adversus Cæsarem se declaret, cum id ultro
videatur esse facturum. Nam Cæsariani ex necessitate primi
cogentur conventiones violare, et Columnenses jam depopulati
sunt multa oppida suæ Sanctitatis, adeo quod Pontifex certus
sit quid ab illis possit expectare; de quibus rebus longum col-
loquium habui cum Pontifice, qui decrevit hic nullo pacto ma-
nere, nisi Dominus Lautrech processerit, de cujus progressu
sua Sanctitas maxime sollicita est, ideoque maxime una cum
Cardinalibus instat, ut nomine Regiæ Majestatis proficiscar ad
maturandum Domini Lautrech progressum. Sed quia dixeram
me nolle hinc recedere, nisi Regiæ Majestatis causâ expeditâ,
ideo sua Sanctitas heri allocuta fuit Cardinalem Sanctorum
Quatuor ut quam citissime hoc negotium expediret.

Number XX.

*Copy in Vannes' hand of a cyphered letter written from
Orvieto, Dec. 31, 1527, by Sir Gregory Cassali, headed*

"Ex gifris Domini Gregorii Orvieto."

PONTIFEX expedit commissionem secre[tam], de quâ Vitell. B.
Secretarius fuit contentus, quemadmodum copiose scribimus ad x. fol. 195.
Reverendissimum Dominum legatum; et vehementer laboran-
dum fuit ut ad id Pontificem induceremus, non quod non max-
ime cupiat omnia efficere quæ Regia Majestas et Reverendis-
simus Dominus legatus volunt; sed quia nunquam fuit in tanto
timore ab Hispanis qui omnes terras ecclesiæ habent in mani-
bus, et suo judicio ga. . . . non videntur quicquam boni velle
agere, adeo quod frater Generalis, ex parte Cæsaris inhibuis-
[set] Pontifici ne hoc Regiæ Majestati concederet
maxime, ne postquam resciverit, h[oc esse] jam concessum,
Cæsariani usque ad sangu[nem ac] ipsam vitam, destruent
Pontificem nisi A[ngliæ rex] ejus Sanctitatem adjuverit; et
quum ei persuas[um esset] ut nihil dubitaret, et quod totum
se rejicer[et in] manus Regiæ Majestatis et Reverendissimi
Domini legati, dix[it se] ita velle facere, et quod in eorum
brachia se [atque] omnia sua remittebat, et caput jam ponit
sub supplicio, nisi a Regiâ Majestate adjuvetur, id est, si Cæsar
permitteretur aliquid possidere in Italiâ, præterquam in regno
Neapolitano; quod omnium rerum semper erit Dominus nisi
mature confundatur. Nunquam optima est occasio, si eam Galli
velint capere, et omnino capient, si adjuventur a Regiâ Ma-
jestate; et dicta Sanctitas putat, si hoc agere velint, necessa-
sarium esse ut pecuniæ impendantur, et contribuantur, eâ
videlicet conditione, si Galli progrediantur ad liberandum sta-
tum ecclesiæ et non tardârint in alicujus fluminis trajectione,
vel expugnatione alicujus oppidi, asserentes se non habere
copias ad sufficientiam, et in eo casu non consulerem ut fieret
contributio. Præterea ad majorem securitatem, et, ut Ponti-
fex perciperet, nihil omitti in gratiam suam, bonum esset,
quod in casu contributionis nihil fieret absque ejus consilio
conjunctim et Gallorum; et re verâ est omni misericordiâ dig-

al. 214. a
little
burnt.

num, relinquere hunc miserum Pontificem in potestate canum; et nisi Dominus Lautrec omnia effecerit, de quibus totiens admonetur, omnino Pontifex et universa Italia sine remedio erit in arbitrio Cæsarianorum.

fol. 196. Cardinalis Sanctorum Quatuor amantissime omnia agit, et ego consului, ut ei ostendatur aliqua munificentia, quia maxime facit, et potest cum Pontifice, et ait quod postquam res fuerit confecta, [concedet] quascunque dispensationes declaratoria[s] voluerimus petere, et omnia efficiet modo [sit] extra manus Hispanorum, et omnia intellige[tis] a Secretario, tum de Cardinalis Sanctorum Quatuor con tum etiam de cæteris omnibus, et in omnibus q[uæ] mihi injunget Reverendissimus Dominus meus, bene illi in s non secundum vires, sed juxta meam optimam [volun]tatem et observantiam; sed ejus Reverendissimam Dominationem precor, ut dum vitam omnem meam, in benignissimi principis ministerio con- non cogar una cum nostrâ familiâ pe[r]ire], sed aliquâ in re nostra miseria suble[vetur].

Casu quo pax componatur, pontifex [instabit] ut efficeretur quoque, quod suæ civitates [Ravenna] et Cervia, sibi restituerentur et quia non vult ratificare capitulationem cum [duce] Ferrariæ, et rogat Regiam Majestatem, quod quando pax conficietur, nolit eum cogere ad relinquendas dictas civitates, asserendo forsân id fieri in beneficium pacis. De hâc solum re die tractabam, sed postea nocte, ne Hispani qui [sunt] hic, aliquid suspicarentur, adducebam Dominum Secretarium ad Pontificem. Dicetis Reverendissimo Domino legato, quod si voluerit sub plumbo habere commissionem, quam affert Dominus Secretarius, omnino habebit.

Quod ad negotium inter Pontificem et Florentinos, ejus Sanctitas id omne in arbitrio Regiæ Majestatis remittit, quod et si valde curet, ostendit tamen se non magni facere, sed de civitatibus superius dictis, in hoc valde obsecrat operam et subsidium Regiæ Majestatis.

Pontifex, antequam voluerit concedere hoc breve, fuit multis altercationibus coactus; et indo[l]ens et lachrymans dixit hanc rem futuram [ips]ius ultimum excidium, dicens se ad id venisse ut cogatur ducere vitam suam ex misericordiâ Cæsarianorum, qui omnem ejus statum possident et possidebunt; nam ex Galliâ parva spes erat, et Veneti et Florentini nihil magis

cupiunt quam ejus destructionem, et solum remanebat illius vitæ spes a Cæsare, quâ nunc frustrabitur; Cæsariani enim causam quærunt illum destruendi, qui dicebat cum lachrynis, objectum sibi iri a Cæsarianis quod ille ob odium erga Cæsarem ultro moverit Regiam Majestatem ad hoc, et in hanc sententiam adduxit multas rationes, quibus omnibus magnâ cum efficacîâ respondi, et fortem animum illi feci. Postea jurejurando me adegit, ut verum dicerem, an Regia Majestas sit eum desertura, et eâ in re credo me illi satisfacisse, et tandem breve concessit, nihil aliud dicens nisi quod se in ejus brachia remittebat. Dixit præterea se cognoscere, quod ex hoc, ad perpetuum bellum trahitur cum Cæsare, de quo nunquam posthac confidet.

Pontifex jussit ut capitulum seorsum scriberem ad Reverendissimum Dominum legatum, quod ipse confisus in benevolentîâ, quam ejus Reverendissima Dominatio semper declaravit erga eum et sedem Apostolicam, libenter huic periculo se committit, alioquin nunquam tantum fuisset ausus, et quum magnâ significatione amoris, ac zeli erga dictum Reverendissimum Dominum legatum jussit ut pro certo, suo nomine illi affirmarem, quod in rebus omnibus non minora poterat dispo-
nere de suâ Sanctitate et Pontificatu, quam si esset Pontifex ipsemet; et ad id ego non inutilis sum minister, putat enim Pontifex me in his bellis strenuam operam ejus Sanctitati sub Reverendissimo Domino legato præstitisse.

Number XXI.

Draft of the instructions given by Wolsey to Staffileo, written in part before the news of the Pope's liberation had reached England.

Instructiones a Reverendissimo Domino Cardinale Eboracensi, Apostolicæ sedis de latere legato etc., serenissimi Domini Regis Angliæ nomine, datæ et commissæ Reverendo Domino Episcopo Staphyleo, super nonnullis gravissimi momenti negociis in hunc qui sequitur modum Romæ tractandis.

Vitell. B.
x. fol. 24.

PRIMO quum Regia Majestas ex sermone ac testimonio Reverendissimi Domini Cardinalis Eboracensis, sedis Apostolicæ de latere legati, multa cognoverit de singulari prudentiâ, eruditione, summoque rerum agendarum usu aliisque compluribus virtutibus quæ eidem Domino Staphyleo insunt, intellexeritque regem Christianissimum in animo habere, ut eum *ad Sanctissimum Dominum nostrum tanquam suum* Oratorem mittat, quo *apud ejus Sanctitatem* resideat, tam ea procuraturus quæ *ipsius et Sanctæ Romanæ Ecclesiæ statum, dignitatem et auctoritatem* concernunt, quam etiam pro viribus juvaturus, quicquid ex sanctæ ligæ commodo et beneficio fuerit; ob has igitur causas et communium suarum cum Rege Christianissimo actionum respectum aliasque nonnullas maximi ponderis occurrentias, eundem Dominum Staphyleum ad se accedere exoptavit, quem re verâ virtutibus et animi dotibus nihilo minorem invenit quam Reverendissimus Dominus Eboracensis suo ante relatu prædicaverat, de cujus quoque fide, prudentiâ et animo ad optima quæque præparato, firmissimam certissimamque spei et fiduciam concepit; adeo quod non ignorans quantopere communibus suis cum Rege Christianissimo in Italiâ actionibus expediat hujusmodi virum qui eas illic tractet habere; considerans præterea quam indissolubili et sempiterno amicitiae nexu Regi Christianissimo adligetur, quo omnia unanimi consensu geri palam constet, decrevit prædicti Domini Staphylei operâ, fide atque industriâ fidentissime uti, veluti communis cum *carissimo fratre et perpetuo confœderato suo* Rege Christianissimo Oratoris, ad quem finem ei commendatitias et credentiales literas ad Pontificem dedit, quibus utetur prout

singulari suâ prudentiâ rerum statum exposcere judicaverit; planeque Regia Majestas confidit, quod in his omnibus, quæ ejus fidei, industriæ ac dexteritati agenda committentur, de ejus virtutibus conceptæ opinioni cumulate ipse satisfaciet, ejus merita et officia dicta Regia Majestas (quod idem a Rege Christianissimo factum iri non ambigit,) dignâ gratitudine compensabit.

Dictus itaque Reverendus Dominus Staphyleus in suo ad Sanctissimum Dominum adventu, postquam fidei et credentiæ literas eâ quâ par est reverentiâ exhibuerit, Serenissimæ Regiæ Majestatis et Regis Christianissimi nomine tam infelices successus et rerum turbines tam adversos indolebit *recuperatamque libertatem ex corde gratulabitur*, asseretque dictas Serenissimam et Christianissimam Majestates dolorem nullum graviorem unquam sensisse quam quem ex tam optimi communisque parentis infortunio passæ sunt; dicet deinde quod quum duo hi potentissimi principes animo sint voluntate ac viribus conjunctissimi, et perpetuo amicitie vinculo colligati, nil aliud dum Sanctissimus fol. 27. Dominus noster captivus detineretur magis ex animo cogitarunt, quam de ejus Sanctitatis liberatione, veluti principes qui officium nullum possent Christiano principe dignius præstare, quam communem parentem orbi restituere, et Apostolicam sedem in pristinam suam dignitatem, gloriam et auctoritatem asserere, ad idque sicuti cogitationes, consilia actionesque omnes suas semper antea detulerunt, ita prorsus decretum atque statutum habent, pari studio, fide et ardore in Sanctissimi Domini nostri recuperandâ dignitate, in gravissimis reparandis calamitatibus, et tot injuriis ac damnis resarciendis, ejus nunc Sanctitati pro viribus adesse, quod unâ viâ, tam valido eorum exercitu in Italiâ existente, facillime consequentur, si viz. Sanctissimus Dominus noster, ut maxime ex ejus commodo et conservatione est, conditiones quas, suæ salutis et liberationis gratiâ, ab justo et honesto abhorrentes subire coactus est, nunc liber, et ab omni injuriâ securus non perimpleverit, aut quicquam effecerit, quod sibi sanctæque Romanæ Ecclesiæ et confederatis detrimento esse queat, vel ullo modo vires aut animum Cæsarianis addiderit, quod in ejus perpetuam depressionem redundaret. Nec est cur obsidum respectu dicta Sanctitas moveatur, quum aut Domini Lautrec virtute, aut facili aliâ quâpiam excogitatâ ratione possit non longo tempore mox

fol. 28. ad
med.

facillime liberari. Quapropter idem Dominus Staphyleus post congratulationem, dictorum principum nomine copiose habitam, modis omnibus instabit, ne nunc libera, tanto cum suo et confœderatorum damno, et publico malo conditiones a Cæsarianis vi extortas præstet; et nunc si virilem et fortem animum velit induere, pulcherrimam occasionem divinitus oblatam esse putet, quâ, potentissimis his principibus juvantibus, non solum hostes coget ut pedibus prostrati eas quas dicta Sanctitas imperabit conditiones accipiat, sed quod modis omnibus, canonibusque et censuris ecclesiasticis in eos et eorum authores, ac fautores ita animadvertat, ut perpetuo sint futuri exemplo cæteris omnibus qui posthac in Jesu Christi vicarium et sanctam sedem Apostolicam tam dira fuerint ausi scelera moliri.

fol. 25.

Quæ omnia exponendi gratiâ dictum Episcopum Staphyleum ad Sanctissimum Dominum nostrum *præfati invictissimi Reges* miserunt non solum ut tam optimum eorum animum pluribus *referret*, verum etiam ut ejus Sanctitatem vehementissime roget ut pro publico totius Christianitatis bono, velit in tantis reparandis malis, et in publico hoc curando vulnere sua consilia dictæ serenissimæ Regis Angliæ Majestatis et Regis Christianissimi conatibus adjungere, hocque potissimum ut rem omnium maxime necessariam admonebit quod *nunc* tuta, salva securaque ab omni novâ iniquissimorum hostium injuriâ *vigilantissime sibi caveat* eisque *non* amplius fidat, quorum perfidiam et crudelitatem, tanto cum suo malo, et communi totius Christianitatis excidio, totiens est experta. Sed quo opus tam sanctum et necessarium posset ad optatum finem facilius perducere, eadem Sanctitas in Confœderatorum exercitum, vel in alium aliquem locum ab hostium insultibus tutum se recipiet, conditionesque quas fors³² crudeli hostium potentiâ, et metu coacta est iniquissimas subire, tunc poterit integrâ conscientiâ et absque ullâ prorsus sui honoris maculâ, justissime sanctissimeque revocare, nec subdolis ullis rationibus se adduci sinat ut ulli rei assentiat³² quæ Confœderatorum consilia in suæ Sanctitatis gratiam suscepta, impedire vel retardare posset, præfatusque Dominus Staphyleus constantissime affirmabit, serenissimas Angliæ et Regis Christianissimi Majestates nullis laboribus, periculis sumptibusve parcituras esse ut ejus

³² *forsan* and *ut ulli rei assentiat* are erased, and a marginal note added, *omnia scribantur*.

Sanctitas in pristinum statum reducat, imprimisque sancta Apostolica sedes in antiquam dignitatem, splendorem et auctoritatem revocetur; *cui officio dicti potentissimi Reges totis viribus adfuturi sunt, id quod poterit, sanctissimo Domino nostro salvo, et Italiâ semel a turpi jugo liberatâ, commode præstari.*

Si vero, quod Deus avertat, Sanctissimus Dominus noster in Cæsarianorum manu captivus adhuc detineatur, idemque Dominus Staphyleus ad ejus Sanctitatem accessum habuerit, dictarum Regiarum Majestatum nomine, quibuscunque rationibus fieri poterit, ipsius dolorem consolabitur, dicetque ab eis nihil omitti quod ad eam liberandam faciat, quam etiam imprimis rogabit, nec technis aut calliditate hostium seducta, eas condiciones concedat, quæ novum mox et manifestum incendium parere et publicum irreparabileque discrimen suæ Sanctitati, Christi ecclesiæ, et universo orbi gignere possent. Sed si omnino cogatur suæ liberationis causâ iniquas admittere condiciones, eas se metu et periculo coactam admissuram prius protestetur. Nil etenim aliud moliantur hostes nisi ut, conculcato capite, sanctam ecclesiam perpetuâ servitute premant, omnia impune devastent, cuncta ex arbitrio immanissime diripiant, et passim prohibente nullo debacchentur, *quod eis ex sententiâ succederet, si, quod absit, Sanctissimus Dominus noster liber ea nunc præstet quæ illi instantiâ et minis a captivo extorserint. At potius omnem nunc spem in Domini Lautrec viribus reponat, quas sic Regia Majestas et Rex Christianissimus* juvant, ut ex his optatus effectus brevi spe- fol. 26.
rari queat, modo noluerit Sanctissimus Dominus noster se præcipitem dare.

*Alterum vero ab eo maxime pendet, si perspexerint Cæsariani, ab ejus Sanctitate sic ecclesiæ rebus, utcunque captivâ, prudenter prospici, ut eam venalem aut quæstui diutius nequeat detinere, et ex Sanctissimi Domini nostri detentione, aliud nihil quam nudum corpus habere, aut aliud quicquam sibi provenire posse quam turpis infamia, direptæ prædæ jactura, suæ salutis discrimen, et execrabile totius Christianitatis in se concitatum odium. Expedientissimum et optimum dicti serenissimi Reges judicant, ut Sanctissimus Dominus noster, absentibus liberisque Cardinalibus, suâ auctoritate mandet quod in aliquem commodum locum conveniant, ibique de

ecclesiæ rebus consulant, ne detrimentum ullum, ejus Sanctitatis captivitate durante, patiantur, illisque moderandis, et Apostolicæ sedis conservandæ formæ, ac dignitati, eum vacarium ac moderatorem eligant et præficient qui partim suâ prudentiâ ac magnanimitate, partim vero dictæ regiæ Majestatis et regis Christianissimi (a quibus solis nunc omnis spes pendet) opibus, authoritate, viribusque adjutus ea officia in Apostolicæ sedis commodum et beneficium præstare possit quæ in tempore tam turbulento sunt maxime necessaria; hoc enim pacto Sanctissimi domini nostri liberatio accelerabitur.*

Unde ejus Sanctitas suum statum haud dubie recuperabit, et regna ac ditiones semper antea sedi Apostolicæ addictæ, in fide et observantiâ continebuntur, *quum viderint ecclesiæ esse constitutum caput, et res ecclesiasticas ex Cæsarianorum libidine nequitiam moderari.* In quo sancto promovendo atque juvando opere, id omne adjumentum Sanctissimus Dominus noster sibi sanctæque Romanæ ecclesiæ de his Regiis Majestatibus polliceatur quod ab obsequentissimis filiis expectari posset. Quæ omnia idem Reverendus Dominus Staphyleus ex singulari suâ prudentiâ, ac dexteritate copiosius Regiæ Majestatis et Reverendissimi Domini Cardinalis Eboracensis nomine extendet, *et omnia efficiet, atque instantissime procurabit, quæ Sanctissimum Dominum in amore et benevolentia perpetuâque conjunctione conservare, et ad ea præstanda inducere poterunt quæ in horum principum commodum et eorum actionum incrementum sanctæque ligæ beneficium esse posse videbuntur*.³³

T. Car^{lis} Ebor.

³³ This paper is written distinctly by a scribe, and corrected apparently by Vannes. The paragraphs within asterisks were either added or altered, or marked for omission, some of them after the news of the pope's liberation had reached England.

Number XXII.

Secret instructions given to Staffileo at his departure for Rome in the beginning of January 1528.

Secreta instructio Reverendissimo Domino Episcopo Staphyleo data, super his quæ, Serenissimæ Regiæ Majestatis Angliæ nomine, Romæ aget atque tractabit.

QUUM prædicta Regia Majestas, ob fiduciam quam in pro- Vitell. B.
bitate, fide, eruditione, atque prudentiâ Reverendissimi Domini x. fol. 15.
Staphylei collocavit, secreto ei aperuerit errorem atque insuf-
ficientiam matrimonii inter se ac Reginam, de cujus rei statu
dictus episcopus abunde atque distincte instructus est, et ex
ingenti suâ eruditione aperte jam perspicit quam invalidum ac
insufficiens prædictum matrimonium extet; hujus erroris emen-
dandi gratiâ, suamque conscientiam exonerandi causâ, quam
ad longum tempus, partim suâ doctrinâ, partim vero consilio ac
relatu clarissimorum theologorum, jurisperitorum atque alio-
rum complurium sui regni doctorum virorum, huic errori obvo-
lutam et irretitam esse dicta Regia Majestas deprehendit, et
videt; ex quâ occasione intimo cordis mœrore et assiduo animi
remorsu affligitur, tanquam bonus et Catholicus princeps, dicta
Regia Majestas, nolens præter sanctæ ecclesiæ leges ac statuta
vitam diutius degere, ad ejus nunc opem atque auxilium
confugere et recurrere in animo habet, ea a Sanctissimo Do-
mino nostro ut hâc in re, nunc, ut concedantur expetens, quæ
magis huic negotio sufficere et expedire existimantur; quod vide-
licet ad causæ definitionem quam citissime procedatur, vel per
commissionem his hominibus demandatam, qui rei discutiendæ
et decidendæ aptiores visi fuerint, ut³⁴ per legatum ejus rei
gratiâ in Angliam missum ad id sufficienti autoritate suffultum,
præsertim quod ex bellorum et hostilitatis occasione, quæ in
Italiâ adhuc remanent, et per universam Christianitatem agi-
tari videntur, nullis Regiæ Majestatis subditis tutus accessus
esse queat ad Sanctissimum Dominum nostrum, qui causæ pro-
cessum possent exacte tractare; quod si ullus pateret accessus,

³⁴ *ut* is perhaps a mistake of writing for *vel*.

quum tum omnis causæ status a facti cognitione pendeat, cujus probationes nullibi quam in Angliâ perfectius haberi, examinari, admittique possint, dicta regia Majestas confidit Sanctissimum Dominum nostrum hæc omnia esse probe et accurate consideraturum, facilemque, pronum, ac benignum se præstiturum in Regiæ dictæ Majestatis justis et æquis super hâc re concedendis petitionibus, nec multos facturum hujus negotii participes; quo evitari possint quæ frivole et inaniter forsân objicerentur ab his quos factio, vel affectus in contrariam partem traheret, ex eoque in longam moram et temporis tractum, (qui solus ob gravissimas et maxime necessarias causas excludendus est) causa differretur.

fol. 16.

Verum tum quum incertum sit, quo pacto quibusve modis Pontifex, adhuc neutiquam sui juris, velit aut queat in hoc negotio progredi, illudque sit tanti ponderis et momenti, ut non solum ex eo constet Regiæ Majestatis animæ salus, et conscientiæ ante Deum purgatio, sed et suæ linæ ac successionis continuatio et conservatio, et totius sui regni subditorumque omnium quies ac tranquillitas, vel ultimum excidium; proinde Regia Majestas in animo habens omnem huic rei conficiendæ diligentiam adhibere, maturo suorum consiliariorum prudentiorum consilio decrevit, in re tam gravi discutiendâ, eorum operâ et consilio uti, qui vel ejus subditi, vel exteri, urgentissimæ huic causæ examinandæ apti videbuntur ad eum finem.

Quod si maximum hoc negotium a Pontifice in Cardinalium vel aliorum doctorum virorum judicium aut consultationem vocaretur, veritas ex illorum doctrinâ, qui tantam rem discernere possent, facilius dignosceretur, in lucemque prodiret, omnisque mora ac dilatio tolleretur. Ob hanc igitur causam Regia Majestas quæ dicti Domini Staphylei prudentiam, eruditionem, probitatem et circumspectionem perspectam habet, eum rogavit, ut in suo ad urbem adventu non gravetur inquirere ac perscrutari, quo in statu Regiæ causæ expeditio tunc illic versetur, cujus processum et meritum omnem, Regiæ Majestatis Romæ agentes in mandatis habent ut cum eodem Domino Staphyleo de tempore in tempus conferant atque communicent; ita quod si in disputationem res trahi cogeretur, priusquam ulla concederetur commissio, ut legatus mitteretur, pro causâ hic definiendâ, tunc dictus Episcopus in negotio juvando ac defendendo, cum oratoribus et

Regiæ Majestatis Romæ agentibus concurreret, omnibus in locis et apud quoscunque opus fore videretur, suâ eruditione, prudentiâ et cognitione non aliter se gerens, quam fides et expectatio Regiæ suæ Majestatis exposcit, in dicto Episcopo collata; quem etiam veluti primarium suum advocatum, consiliarium et procuratorem in hâc re constituit, eumque impensissime rogat ut si in ullam quæstionem causa hæc fuerit adducta, velit, non solum cum summo Domino Nostro sedente cum Cardinalibus et aliis omnibus, et his præsertim qui suis sententiis aut opinionibus ullâ in re Regiæ Majestatis expectationi refragarentur, de causæ particularitate et specie instruendis, et in rationibus adducendis quæ Regium desiderium juvare possent, et adversariorum opinionem refellere omni industriâ, vigilantîâ, dexteritate atque vehementiâ uti, tum eas rationes et persuasiones allegando, de quibus hic copiose instructus est, tum regium super eâ re judicium et consultationem, cujus copiam secum habet, eis legendam exhibendo, quibus opus fore censuerit, nulli tamen transcriptum exemplar tradens, adeo quod, si hâc in re aliquæ emergerent difficultates, vel de Regiæ Majestatis animo, optimâque mente interpretatio iniqua ac sinistra exoriretur, ut ex adversis ullorum allegationibus diligens causæ expeditio impediretur, dictus Episcopus suâ eruditione his se opponat; ad quem effectum Regia Majestas vehementissime ipsum rogat, ut omnes ingenii ac eruditionis vires adhibere velit, quo omnis dilatio, ejus operâ ac patrocinio e medio tollatur, et vanæ frivolæque objectiones refellantur. Et eam gratiam hâc in re Regia Majestas, ab ecclesiæ autoritate ad quam recurrit, impetraturam se confidit, quam causæ momentum et maximarum rerum ab eâ dependens sequela potissimum exigit. Nam si principes, videntes divino humanoque jure conscientias suas oneratas, modosque eas exonerandi adesse, remediaque innumeris imminentibusque periculis posse adhiberi, legibus justiciâque favente, ad sedis Apostolicæ autoritatem auxiliumque confugerent, expectatâque tunc gratiâ ob particularem aliquem respectum frustarentur, occasio inde multorum malorum posset insurgere, non leve ecclesiasticæ jurisdictionis et autoritatis detrimentum; cujus periculi, si sermo a dicto Episcopo commode et dextere ingeratur, ex eo forsitan eveniet ut omnis causæ expediendæ dilatio facilius removeatur. Quam rem tractandam

Regia Majestas ejusdem Domini Staphylei prudentiæ, dexteritati, eruditioni, circumspectionique libere committit, eum etiam atque etiam rogans ut in hoc negotio ex ejus sententiâ conficiendo, nihil quod juvare possit, omittat; sibi que certissime persuadeat, Regiam Majestatem liberalissimam esse ipsius operæ, industriæ, sumptûs atque laboris rationem habituram, tum in episcopatu a Rege Christianissimo illi procurando, tum in ejus ad Cardineam dignitatem incremento promovendo munificentissimeque tractando, adeo quod dictus Episcopus putaturus sit sua se officia apud principem gratissimum collocasse.

fol. 18.

Adhæc, si acciderit ut Pontifex fuerit ex castro Sancti Angeli liberatus, et in eo tum statu et conditione versetur ut nihil veluti liber possit agere, sed in suis omnibus actionibus cogere-
tur Cæsarianorum voluntatem sequi; unde nec legatus mitti, nec commissio obtineri posset; tunc et in eo casu dictus Episcopus prout Regiæ Majestatis illic agentibus visum fuerit expedire, vel apud Pontificem instabit ut Reverendissimum Dominum legatum Eboracensem, vicarium suum generalem amplâ commissione et autoritate ad id suffultum constituat, vel, nisi hoc fieri queat, procuret ut absentes Cardinales in locum aliquem commodum coadunentur, et dictum Dominum legatum tanquam eorum caput, Sanctissimi Domini nostri captivitate durante, deputent, ita quod in omnem eventum Regia Majestas remedio ad suam conscientiam exonerandam neutiquam destituatur, neque Ecclesia dum fuerit suo pastore orbata, de formâ et modo regiminis improvisa. Et quum dictus Dominus legatus uberrime coram instruxerit Dominum Staphyleum, tam super hoc quam in aliis gravissimi momenti rebus, superfluum est ut longior ullus discursus literis committatur.

Number XXIII.

Draft of a letter, in Vannes' hand, from the king to the pope accrediting Staffileo.

BEATISSIME Pater, &c.

Quum a rege Christianissimo fratre nostro amantissimo ad Sanctitatem vestram Orator impræsentîâ mittatur Reverendus Dominus Episcopus Staphyleus, inter ejusque Majestatem et nos indissolubili jam stabilito amicitiae nexu, uterque nostrum ingenti de vestrâ Beatitudine optime merendi, sedemque Apostolicam in pristinum statum restituendi studio et ardore teneatur; volumus et nos quoque devotissimum hunc nostrum animum et consilia, nonnullaque gravissimi momenti negocia, per eundem Dominum Staphyleum ipsi declarare, ut cognoscat nulli nos boni principis et obsequentissimi filii officio deesse; vestram igitur Sanctitatem impensissime rogamus, ut eidem Reverendo Domino Staphyleo, super his ac aliis omnibus, quæ nostro nomine referet, certissimam fidem præstare et in omnibus agendis charissimum acceptissimumque sibi in præcipuam nostram gratiam habere dignetur. Ac felicissime et diutissime ipsa valeat³⁵.

Vitell. B.
x. fol. 29 d.

[Jan. 5, 1528.]

³⁵ This letter has been printed by Theiner, p. 556, from the original at the Vatican. There is scarcely any difference excepting the addition of the usual commencement and ending of such letters.

Number XXIV.

*Draft, in Vannes' hand, of Wolsey's recommendation of
Staffileo to the pope.*

Vitell. B.
x. fol. 45 d.
al. fol. 49.

BEATISSIME Pater,

Eam de Reverendi Domini Episcopi Staphylei prudentiâ, eruditione ac industriâ Serenissima Regia Majestas et ego opinionem concepimus, ut dignum eum judicemus, cui quantumlibet gravia negocia committantur. His quoque virtutibus accedit ingens quoddam optime de nobis merendi studium, quod sic amplexamur, ut non dubitemus in maximi momenti rebus, ejus operâ fidentissime uti. Proinde quum Rex Christianissimus suum nunc Oratorem ad vestram Beatitudinem mittat, hique duo potentissimi principes, illud prorsus statutum habeant, ut in ecclesiæ statu sublevando, ac in vestrâ Beatitudine suâque familiâ in pristinum gradum restituendâ, nulli rei nullisque opibus parcant, per eundem Dominum Staphyleum, Regia hæc Majestas id, aliaque nonnulla vestræ Beatitudini significare voluit. Cui ego quoque super quibusdam gravissimi ponderis occurrentiis, animum judiciumque meum vestræ Sanctitati aperiendum commisi. Eam ideo humillime rogo, ut plenissimam certissimamque fidem eidem Domino Staphyleo, in his omnibus quæ meo nomine referet, habere dignetur; et me etiam atque etiam reverentissime sibi commendatum habere dignetur.

Londini etc. [Jan. 8, 1528.]

Number XXV.

Draft of a congratulatory letter from Wolsey to the pope, written January 7, 1528, after the news of his escape had reached England. In Vannes' hand, much corrected.

BEATISSIME Pater,

Vitell. B.
x. fol. 19.

Tunc quum maxime ob indignissimam Sanctitatis vestræ captivitatem excruciarer, optatissimum ab eâ accepi adeptæ tandem, divinâ sic disponente clementiâ, libertatis breve, quod certe non alio animo sum complexus et veneratus, perpetuique monumenti loco habebø, quam si ab illo solo omnis mea salus pependisset; visusque profecto sum conceptam animo molestiam omnem gravissimam statim exuisse, ob novum lumen quod ex optimi communisque parentis universo orbi restitutione affulserit. Nunc igitur, beatissime pater, felicem istam, et publico omnium voto a Deo expetitam assecutamque libertatem, vestræ Sanctitati iterum atque iterum vehementissime gratulor, omnipotentique Deo gratiam et laudem habeo, quod in tantâ Christianæ reipublicæ afflictione, suæ nos misericordiæ voluerit esse participes, et Dominico disjecto gregi verum pastorem reddiderit, qui pro suis ab iniquissimorum hominum rapacitate conservandis ovibus, neutiquam recusavit proprium animum salutemque exponere. Est nimirum quod vestra Sanctitas perpressas calamitates leviores vel potius nullas esse arbitretur, quum tam certo testimonio Deus optimus maximus nunc palam fecerit, Sancti Petri naviculam utcunque fluctuantem nunquam posse submergi. Serenissima vero hæc regia Majestas quæ omni officio ac pietate suam observantiam et fidem erga sedem Apostolicam vestramque Sanctitatem, (dum captiva indignissime detineretur,) quoad potuit, cumulatissime comprobavit, de ejus liberatione accepto felicissimo nuncio, sic intimis præcordiis exultat ut grandem opulentissimumque thesaurum sortita videatur, publicisque et privatis veræ lætitiæ solidique gaudii indicîis testatur, quam ex animo Beatitudinis vestræ liberationem veneretur, et celebret. Nec video cur Sanctitas vestra diutius angatur ob injustas et graves conditiones quas suis literis conqueritur ab hostium violentiâ fuisse extortas; nam ut impium et sceleratum haberi potest, eas

fol. 20.

Christi vicario ab his qui in Christiano nomine falso gloriantur, fuisse præscriptas, ita non minus impium fuerit, excusso servitutis iugo, et adeptâ libertate (quæ soli Deo accepta referri debet) tam iniquas conditiones velle præstare, quæ facile possent universalem pacem ex hostium coheratâ³⁶ malignitate Christiano orbi debitam, impedire vel retardare, execrabileque rursus incendium excitaretur, quod nunc, si modo vestra Sanctitas fortem atque constantem animum induat, nullo labore potest restingui. Actiones itaque omnes suas serenissimæ hujus regis Majestatis et Regis Christianissimi consiliis et conatibus adjungat, quorum fidem et observantiam indicio non obscuro compertissimam habet, et ea in Apostolicæ sedis restituendo statu, in vestrâque Beatitudine sublevandâ ac tantis reparandis malis, adjumenta et subsidia præstabunt quæ ullo modo ab iis subministrari poterunt; et ego sic meam operam interponam, ut sperem Sanctitatem vestram facile percepturam meum de se nobilissimâque suâ familiâ optime merendi studium, quod suo tempore rebus ipsis quam nunc literis cumulatius comprobabo, magnique beneficii loco mihi est, ex Vestræ Beatitudinis benignissimo ad me brevi, intellexisse officia, quæ in tantâ calamitate syncerissime præstiti, ab eâ non prorsus ignorari.

Postremo serenissimi Domini mei Regis causam, quam apud Sanctitatem vestram literis et nunciis nunc ardentissime agit, omni studio atque ardore commendarem, nisi viderer de ipsius paterno affectu et benevolentia erga suam Regiam Majestatem diffidere, quæ non alia de vestræ Beatitudinis in se amore sibi pollicetur quam quæ filius posset a patre indulgentissimo expectare.

Hoc proinde tantum addam, id quod petitur, sanctum et rectum, maximeque ex hujus regni, Apostolicæ sedi addictissimi, quiete ac salute esse, ut quamprimum, nullâ injectâ morâ, concedatur; quod suum desyderium eadem Regia Majestas facile impetraturam se confidit, si vestra Sanctitas cum affectum, quem suis omnibus literis declarat, in hæc nunc, ut nihil ambigit, petitione adnuendâ, benignissime comprobaverit, et compertissimum habeat solâ istâ in re, quæ summi est momenti,

³⁶ There is some mistake in this word, which cannot be corrected from the transcript as published by Theiner, as the clause has been altogether omitted.

Regiæ Majestatis animum sibi semper antea devotissimum, nunc posse in perpetuum confirmare; et meorum officiorum, et observantiæ summam gratiam mihi videbor consequutus, quod pulcherrimam hanc occasionem fuerim nactus, sanctæ Apostolicæ sedis causas apud eandem Regiam Majestatem posthac promovendi atque juvandi ³⁷.

Reliqua vero etc.

[Jan. 7, 1527-8.]

³⁷ This letter is printed by Theiner, p. 557. The variations are few and unimportant. At the end the following paragraph is added, 'Sed de his aliisque multis, ad magnificum equitem Dominum Gregorium Casalium, Regiæ Majestatis Consiliarium et Oratorem, impræsentia scribo, cui ut certissimam fidem velit Sanctitas vestra in omnibus habere humillime precor, eique me etiam ac etiam reverentissime commendo.'

Londini ex meis ædibus die 7 Januarii 1527.

Ejusdem vestræ Sanctitatis, humillima ac devotissima creatura.

T. Cardinalis Eboracensis.'

A similar letter from the king, written on the following day, Jan. 8, 1527-8, appears in Theiner, p. 556, and has been printed from the Vatican transcripts in *State Papers*, vol. vii. p. 44.

Number XXVI.

*Contemporary account of the thanksgiving for the escape
of the pope, Jan. 5, 1528.*

Vitell. B. *The coming and receiving of the lord cardinal into Powles*
x. fol. 6. *for the escaping of pope Clement the VIIth, Anno Domini*
1527, anno regis, H. VIII. 19^o.

THE 5th day of January being Sunday, and twelfth even in the year of our Lord 1527, and the 19th year of our lord king Henrie the Eighth, The lord Thomas Wolsey, cardinal of Yorke, etc., landed between eight of the clock and nine in the morning at the Black Friars at London, with a great company of noblemen and gentlemen, where met with him the ambassadors of the pope, of the emperor's, the French king's, of Venice, of Florence and Millan, and so proceeded on horseback unto Paules churchdoor, where they alight, and there the officers of arms longing to the king gave their attendance, and at his alighting put on their coats of arms, and there was also four of the doctors prebendaries of the said Paules in coppes and grey amys, which bare a rich canopy over him of cloth of gold. And so the lord cardinal proceeded, having the emperor's ambassador on his right hand, and the French king's on his left hand, until he came to the arches, where was prepared a bancke with quyssons and carpets, where the said lord kneeled; and there met him *in Pontificalibus* the byshop of London, the byshop of Saint Asse which sensyd him, and the byshop of Lincoln, the byshop of Bath, the bishop of Llandaffe, the lord prior of Westminster, the prior of St. Saviour's, the abbots of Stratford and of Tower Hill, the priors of Christ-churche, of St. Mary Spitell, with others to the sum of sixteen mitres; and so the procession of the whole quire proceeded forth, having the ambassadors with him as afore, up to the quire, and so to the high altar, where, his oblation done, he³⁸ with him into his travers, and during that the hour was a singing he was invested *in Pontificalibus*, and then he, with

³⁸ *went omitted by accident.*

Regiæ Majestatis animum sibi semper antea devotissimum, nunc posse in perpetuum confirmare; et meorum officiorum, et observantiæ summam gratiam mihi videbor consequutus, quod pulcherrimam hanc occasionem fuerim nactus, sanctæ Apostolicæ sedis causas apud eandem Regiam Majestatem posthac promovendi atque juvandi ³⁷.

Reliqua vero etc.

[Jan. 7, 1527-8.]

³⁷ This letter is printed by Theiner, p. 557. The variations are few and unimportant. At the end the following paragraph is added, 'Sed de his aliisque multis, ad magnificum equitem Dominum Gregorium Casalium, Regiæ Majestatis Consiliarium et Oratorem, impræsentia scribo, cui ut certissimam fidem velit Sanctitas vestra in omnibus habere humillime precor, eique me etiam ac etiam reverentissime commendo.'

Londini ex meis ædibus die 7 Januarii 1527.

Ejusdem vestræ Sanctitatis, humillima ac devotissima creatura.

T. Cardinalis Eboracensis.'

A similar letter from the king, written on the following day, Jan. 8, 1527-8, appears in Theiner, p. 556, and has been printed from the Vatican transcripts in *State Papers*, vol. vii. p. 44.

Number XXVII.

*Holograph letter from Knight to the king detailing the
success of his mission.*

Vitell. B.
x. fol. 33.

PLEASE it your grace to understand that this courier Thadeus departed from Florence upon Saturday last passed, having with him my letters directed unto your highness, containing relation how your matters have passed with the pope. And I trust in Jesu your highness will be right well contented therewith. Your highness' dispensation is passed under lead in as ample form as the minute brought by Barlow did contain. A commission unto my lord legate I do also bring, which though it be not after the minute sent from England, it is nevertheless sufficient for your highness' purpose. The cardinal Sanctorum Quatuor did make the draft in such form as when soever the same shall be required, or copy thereof, it may be given and stand with the pope his, your highness' and my lord legate's honour.

Upon Sunday last I departed from Florence, and fearing the rivers in Lombardy, did take the way by Jeane, and at my coming unto Alexandrye in Lumbardye, mine host informed me that Barlow was passed towards Messer Gregory de Cassalis; and that he had left divers letters for me with this courier Thadeus, whom I should find at Aste. Where the same day arriving I received your highness' letters with a double of the minutes for all your matters; and forasmuch as there was now other matter that should cause me to return, I do continue my voyage towards your highness, trusting in Almighty God that at mine arrival I shall satisfy your highness in all such charge as ye committed unto me at this time to your highness' full contentation. If this courier had not been let by reason of the great waters and rivers here, he had been at Parrhis before mine arrival at Aste.

The Holy Ghost preserve your highness.

At Aste this 9th day of Janyvere,

Your most humble subject, servant, and chaplain,

W. Knighte.

Number XXVIII.

Holograph letter from Knight to Wolsey announcing the success of his mission.

PLEASE it your grace to understand that albeit that I ^{Record Office.} despatched the first day of this month from Orvieti this courier Thadeus with letters containing the success of my charges here; supposing that by this time or shortly upon he should have been with your grace, nevertheless the rivers in Lumbardye not being always passable this time of the year, he hath of necessity tracted the time. Moreover he by chance meeting with my lord of Rochefort's priest, receiving of him return letters from your grace unto me, because making my journey by Jeane, my passage by any place certain before my coming unto this town could not be assured, abode for me here, the priest passed hereby towards Messer Gregori two days before mine arrival here. After that I had perused your grace's letters, and pondering the good considerations that moveth the king's highness and your grace to have the king's cause committed unto some cardinals to be sent purposely into England for the same, either by special commission severally or jointly with your grace; I suppose that when ye shall consider the difficulties made by the pope for the attaining of a commission, specially in this time unto your grace, ye shall peradventure imagine that much more difficulty will be to induce his holiness to send a legate purposely for it, for the affairs of Italy persisting in the miserable ruin with continual fear that the pope and cardinals hath in doubting that the emperor shall prosper here; moreover the speech of great preparations made for the wars that the emperor intendeth, I cannot think that either the pope would be induced to send a legate, or any cardinal accept the same that intended to live quietly in Italy.

Your grace commandeth, That I should send the commission and dispensation with diligence, in case they were sped, before the receipt of your grace's letters sent at this time. Wherefore the prothonotary Gambora and I being commanded *sub pena excommunicationis* to deliver the same, with a

certain request to be made unto the king's highness and his grace, at the time of delivery, I send the same at this time unto Gambora, requiring him in any wise to make diligence towards the king's highness, and not to abide my coming; the request and cause thereof your grace shall perceive by mine other letters adjoined herewith. And supposing that when your grace hath seen my letters, and the dispensations, and considered this time well, it may bechance that the king and your grace will be right well content with that that is passed, without suing for any other thing that could not be obtained without long tract, and peradventure not so.

Your grace hath committed as much unto Gregori de Cassalis at this time, as unto me, which being near unto the pope, will without fail do his best diligence: and if it shall be thought good unto the king's highness and your grace, that I return unto Orvieti, I shall do as much as my poor carcase may endure, and hereby at Turyne I shall abide the knowledge of your grace's pleasure. The datary hath clean forsaken the court, and will serve no longer but only God and his cure. The cardinal Campegius continueth in Rome sore vexed with the gout; the cardinals Pisane, Triulcis, Ursine, Gadis and Cesis, remaineth for hostages. The cardinals, Mounte, Sanctorum Quatuor, Radulph, Ravenna, and Perusino, beth with the pope; the rest beth absent. Our Lord Jesu preserve your grace.

At Aste, this 10th
day of Janyvere.

Your most humble beadsman
and servant,

W. Knighte³⁹.

³⁹ Another letter of the same date, written by the same, on the same subject, to Henry the VIIIth, is printed in State Papers, vol. vii. p. 46.

Number XXIX.

Draft of a letter in Vannes' hand, sent from the king to the pope, February 1528, by Hubert de Gambara, bishop elect of Tortona, thanking the pope for his good will, and requesting an alteration in the documents that had been sent for the divorce.

BEATISSIME Pater,

Vitell. B.
x. fol. 73.
al. 79.

Partim vestræ Sanctitatis propriâ manu ad nos et Reverendissimum Dominum Eboracensem scriptis literis, partim vero ex Reverendi Domini Electi Terdonensis sermone et asseveratione, summâ cum voluptate cognovimus non solum quanto studio et paterno affectu nos prosequatur, quam prompta et propensa sit ad votis desiderisque nostris adnuendum, et quam amanter promiserit nostræ huic expectationi vello gratificari; id quod, quum ab eâdem Sanctitate vestrâ factum iri non ambigamus, et ex suâ bonitate, rem veluti confectam, nobis jam polliceamur, quam possumus immensas ei gratias agimus, quæ in hâc solâ, ut urgentissimâ, ita rectissimâ causâ, perpetuo sibi nos, opes, regnum et amicos nostros omnes tenacissime adstringet; sicuti ex Reverendo Domino Terdonensi, viro certe ad gravissima quæque tractanda aptissimo, tum super his, tum super aliis quæ nobiscum egit, animum et pectus et observantiam nostram vestra Sanctitas uberius cognoscet

Quumque ex his quæ vestræ Beatitudinis nomine, idem Reverendissimus Dominus Eboracensis et Reverendus Dominus Terdonensis nobis promiserunt et constantissime affirmarunt, certissimam fiduciam conceperimus, eandem Sanctitatem vestram prorsus decrevisse nostris petitionibus benigne adnuere, eam impensissime rogamus ut in eam formam et modum omnia concedere velit, quæ ex Reverendo Domino Terdonensi et Domino Stephano Gardinero ac Domino Edwardo Foxo quos hujus rei gratiâ ad eam misimus, validiorem firmiorem et pro nostrâ causâ securiorem et aptiorem esse cognoverit, quâ in re⁴⁰—

⁴⁰ Here the MS. abruptly ends.

Number XXX.

Draft in Vannes' hand of a letter from the king to the cardinal Santi Quatri, requesting the renewal of his good offices in altering the form of the commission and dispensation.

Vitell. B.
x. fol. 56.
al. 60.

*Henricus, etc., Reverendissimo in Christo patri et Domino
Laurentio, tt. Sanctorum Quatuor Coronatorum, presbytero
cardinali et amico nostro carissimo, salutem.*

REVERENDISSIME in Christo pater,

Semper antea maxima quæque de Reverendissimæ Dominationis vestræ erga nos studio et amore nobis sumus polliciti, quum nostram opinionem mirum in modum adauxerunt literæ propriâ ipsius manu, dum in castro Sancti Angeli detineretur, ad nos scriptæ, affectûs certe et benevolentiae plenæ.

Sed recentia nunc officia quæ a Secretario nostro, a reverendo Domino Electo Terdonensi, et ex Domini Equitis Casalii Oratoris nostri literis intelleximus, Reverendissimam Dominationem vestram in causâ nostrâ præstitisse, sic ejus erga nos animum confirmâr[unt], ut in optimi fratris loco ipsam habeamus, et ill[i], quum multum nos debere agnoscamus, ob quod, non vulgar[e] amantissimi pectoris testimonium, quam immensas possu[mus] Reverendissimæ Dominationi vestræ gratias agimus, eas brevi cumulatissim[e] relaturi.

Accepimus deinde commissionem et dispensationem quæ Sanctissimus Dominus noster (vestrâ Reverendissimâ Dominatione plurimum juvante,) pro causâ nostrâ, nobis benignissime concessit, easque etsi, ubi maturo prudentique consilio adhibito, omni ex parte perpendissemus, invenerimus pro nostro recte conficiendo negocio, nullius esse roboris, validatis et effectûs, gratissime tamen accepimus optimam propensamque Sanctissimi Domini nostri erga nos voluntatem, cujus animum esse perspicimus, ut in hâc nostrâ causâ, nostræ expectationi cumulate satisfiat, eâque spe freti ad ejus Sanctitatem denuo confugimus, sedisque Apostolicæ auctoritatem atque auxilium obnixè imploramus, ut ea nobis concedere et indulgere velit quæ

valida, firma ac secura sint. Quid aut in hæc nostrâ, rite, secure et firmiter conficiendâ causâ necessario sit opus, quo excogitato modo excepto, alius nullus potest prodesse, ex apostillationibus in commissionis et dispensationis margine additis et ex his quæ Dominus Stefanus Gardinerus et Dominus Edwardus Foxus, qui animum nostrum in omnibus compertissimum habent, referent, vestra Reverendissima Dominatio expresse cognoscet. Quam nunc nos omni studio, omni cordis affectu et vehementiâ rogamus ut petitionis nostræ momentum, causæ rectitudinem et necessitatem secum reputet. Ab eâ enim Regiæ nostræ sobolis continuatio, regni quies et conservatio vel extremum excidium, [nostrâ]que animæ salus deducitur; quod nunc unum et primum a sede Apostolicâ petimus, justum et sanctum est, et quod pro urgentissimâ rei qualitate, non debeat nostris precibus denegari, in eoque expediendo, vestræ Reverendissimæ Dominationis operam quam ultro suis literis benignissime nobis obtulit, efflagitamus; scimus hæc omnia ejus judicio et dispositioni committi, in ejusque manu esse, si hoc nostrum votum denegetur. Proinde Reverendissimam Dominationem vestram iterum atque iterum impense rogamus, ut in eo juvando, et in eam quam petimus formam expediendo, promptam, facilem et amantem se velit exhibere, suâque prudentiâ mature arcere ingentia mala quæ fol. 57. ex interjectâ morâ, vel ex hæc rejectâ petitione subsequutura videntur, rebusque ipsis percipiet suam se operam apud principem officiorum memorem, et sui amantissimum quam opti[me]⁴¹. Rogamus postremo, ut eisdem Domino Stef[ano] Gardinero et Domino Edwardo Foxo, velit in omnibus, eam fidem quam nobis loquentibus præstare, ex quibus omnia distinctius vestra Reverendissima Dominatio cognoscet.

Tanto ardore et solitudine causam hanc in quâ nostra salus agitur et quæ nos maxime premit, vestræ Reverendissimæ Dominationi commendamus ut nihil majori commendare possimus.

⁴¹ There is no room for the word must have been omitted by accident. collocasse or something like it, which

Number XXXI.

Draft in Vannes' hand of a letter from the king to John Matthew Giberti, bishop of Verona, and datary to Clement VII, requesting him to return to the pope for the sake of serving the king's great matter.

Domino Joanni Matthæo, Episcopo Veronensi, amico nostro summe dilecto, salutem.

Vitell. B.
x, fol. 58.
al. 62.

HENRICUS, etc., Reverendo, etc.

Gravem dolorem, quem ex vestrâ calamitate conceperamus, nunc omnem abstersit allatum nuncium illius evasionis quæ certe non absque divinâ providentiâ contigit, et utcumque calamitosa, ingentem lætitiâ his omnibus attulit, qui ex animo vobis bene volunt, nobis autem nihil gratius vel optatius poterat nunciari, nec alio a[nimo] de vestris sublevandis infortuniis et malis, ac affliction[ibus] [tam indigne perpessis]⁴², reparandis meditatur, quam quo intimum et syncerum amicum, innumerisque officiis de nobis optime meritum complecti solemus, et molestissime tulimus infœlices ullos rerum humanarum successus, potuisse a publicis actionibus vos ullo pacto amovere, [licet id quietis gratiâ a vobis factum existimemus]. Proinde q[uam] semper antea, summâ prudentiâ, pari vigilantîâ, n[ec] minori dexteritate [et industriâ] publicas actiones administraveritis [tantâque cum laude eas tractaveritis] adeo quod ab eis sine publico incommodo nunc abstinere neque[a]tis, vos iterum atque iterum ex animo rogamus et hortamur ut generosum illum et constantem animum quem in rebus magnis præstare consuevistis, nunc resumatis [et ad Sanctissimum Dominum nostrum vos conferatis, nec ejus Sanctitatem nunc divinâ ope caput exerentem deseratis, quam tutâ fide et constantîâ, dum gravissime affligeretur, observavistis.

Nos autem privato nostro nomine indolemus vestram a Sanctissimo Domino nostro absentiam, nunc præsertim quum apud

⁴² The matter inclosed in thick brackets [] scratched across.

ejus Beatitudinem causam agamus, quæ nos omnium gravissime premit, utpote quæ regni nostri conservationem, nostræ successionis continuationem, et denique nostræ animæ salutem fol. 58 d. in se contineat. Nullum illic amicum habemus, de quo nobis quicquam in tam recto nostro juvando desiderio polliceamur, vel cujus operâ et patrocínio fidenter uti possimus. Magni beneficii et humanitatis loco accipiemus, si ullis precibus aut adhortationibus vos queamus adducere, ut vel in nostram gratiam ad Sanctissimum Dominum nostrum vos conferatis, negotium hoc nostrum impetrandi causâ, cujus rectitudinem et honestatem distinctius cognoscetis ex intimo nostro amico, Domino Electo Tortonensi, ac ex dilectis nostris Domino Stephano Gardinero et Edwardo Foxo, quos hujus rei expediendæ gratiâ ad Sanctissimum Dominum nostrum impræsentîâ mitimus.

Summis igitur precibus a vobis contendimus, ut Sanctissimi Domini nostri animum paterne affectum sic præparare velitis, et sic vestrorum amicorum operam interponere, ut vestrâ intercessione et industriâ expectationis nostræ compotes quam citissime efficiamur. Hoc quidem nobis persuademus, vos apud nullum principem vestri amantiorem, vestra officia posse collocare; quorum nos nec immemores erimus, aut præstitorum vos unquam pœnitebit. Cætera ex eodem Domino Tortonensi magis sigillatim et abunde nostro nomine cognoscetis. Cui ut certissimam fidem habere velitis, impense rogamus, et bene valete.

Reverende Domine Veronensis, per fidem quam in vobis collocavimus, et per nostram mutuâ benevolentîâ tamdiu enutritam amicitiam, vos rogamus et obtestamur ut nostram hanc causam juvandam suscipere velitis, in quâ so[lâ] potestis nos totos vobis in perpetuum devincire.]

Quod si in istud ocium fortasse vos receperitis ut in obeundis fol. 59. Deo ministeriis animo innato ⁴³ tranquilliori, meminisse debetis officium nullum posse divinæ Majestati præstari acceptius quam quod in commune impenditur, et prodest universis. Quid enim sanctius effici potest, quam Sanctissimo Domino nostro, in commisso sibi munere recte administrando, fideliter atque sincere inservire? Communem Christiani orbis paren-

⁴³ There is some mistake in this word.

tem tam indigne afflictum operâ consilioque juvare, et verum Christi vicarium non deserere? eo præsertim tempore, in ejus arculo, Christianæ reipublicæ quies vel ruina constituta est. Sanctissimo Domino nostro nemo superest a consiliis qui publicas actiones æque recte ac vos gerere quea[t], vel qui majori fide aut prudentiâ possit ejus Sanctitati super his consulere. [Regia vero hæc⁴⁴] Nos vero et Rex Christianissimus frater et perpetuus noster confœderatus qui prorsus statutum habemus in Apostolicâ erigendâ dignitate, in eâdem Sanctitate juvandâ, in publicisque perturbationibus componendis proprium sanguinem, si opus sit, nedum opes impendere; nunquam potissimum occurrant, quæ super hoc necessario expediat cum Sanctissimo Domino nostro tractari, amicum nullum apud eum habemus, cui consilia nostra in publicam utilitatem tendentia, animum pectusque nostrum credere audeamus. Quocirca enixissime vos rogamus et jure amicitiae impellimus ut ad Sanctissimum Dominum nostrum redire velitis, et eo usque apud ejus Sanctitatem saltem residere, donec Christiana respublica conquassata in tuto collocatur. Rebus postea consolidatis, poteritis, si id consilii probetur magis, summâ cum laude tum apud homines tum apud Deum comparatâ, ad statutum ocium reverti, interimque effugietis quicquid inf[a]miæ, ex desperatione, vel detrectatis laboribus vobis objici posset.

Reverende Domine Veronensis; Quæ superius scripsimus, nullo alio quidem animo, et consilio suademus quam quo scimus omnipotenti Deo futura acceptissima, Christianæ reipublicæ commoda, sedi Apostolicæ salutaria et vobis ut maxime necessaria incumbere, nihilque gratius potestis nobis præstare quam si pari quo dam[us] animo nostra hæc consilia acceperitis.

[Jan. 8, 1528.]

⁴⁴ This shews that Wolsey was dictating the letter.

Number XXXII.

Corrected draft, in Vannes' hand, of a letter from Wolsey to the bishop of Verona, urging him to return to the Pope.

*Litteræ Reverendissimi Domini legati ad Dominum
Veronensem.*

REVERENDE in Christo Pater,

Vitell. B.
x. fol. 54.
al. fol. 58.

Adeo multa vestræ Reverendæ Dominationis merita eademque præclara erga me extiterunt ut omnes suas calamitates secum communes mihi et easdem esse putem, et quum non semper sit hiems, et eam succedat ver, successive quoque ordine lux tenebras subsequatur, fortem vestra Reverenda Dominatio et constantem animum induat, quem non tempor[um] culpa, aut iniquissimorum hominum malignitas queat prosternere. Eam itaque enixissime rogo, ut ad Sanctissimum Dominum nostrum se conferre, ut semper consuevit de omnibus bene mereri, non gravetur, cumque sua prudentia et patrocinium quam multis et publice et privatim semper profuerit, ejus nunc absentia videtur detrimenti incommodique quam multum in commune allatura. Serenissima hæc Regia Majestas quæ Reverendam Dominationem vestram intimo affectu semper prosequuta est, nihil impræsentia ardentius optat quam, tum in publicarum actionum, tum vero in gravissimi sui negotii expediendi gratiam, ad Sanctissimum Dominum nostrum revertatur; omninoque sperat, vestræ Dominationis Reverendæ patrocinio justissimum ac sanctissimum suum desiderium, quod vano aliquo metu protrahi suspicatur, facillime posse impetrari.

Illud si juvandum suscipere non gravetur, non solum hanc Regiam Majestatem et me, sed universum hoc regnum sibi suisque omnibus perpetuo adstringet. Ad ejusdem ego Majestatis intercessionem preces quoque meas adjungo, vestram Reverendam Dominationem iterum atque iterum enixissime rogans, ut, si unquam antea de nobis bene mereri studuit, nunc velit, hæc unâ in re, amorem et fidem suam comprobare. De quo, et quid etiam de nobis in suâ sublevandâ

calamitate sibi possit polliceri, uberius intelliget ex Reverendo Domino Electo Tortonensi, cui pectus meum syncerissime aperui. Et bene valeat R. etc.

Negocium hoc quod Regia Majestas unum omnium ardentissime desiderat, hujusmodi est ut nihil possit vehementius exoptare; mihi vero propriâ vitâ carius est. In eo enim totius regni quies, vel ultimum excidium, Regiæ successionis conservatio, Regiæque animæ salus, quæ ex hâc re gravissime excruciat, constituta est; quod ego sic vestræ Reverendæ Dominationi juvandum commendo ut majori studio propriam salutem nequeam commendare⁴⁵.

⁴⁵ This and the following letter were probably written on the 12th February 1527-8, on which day Wolsey also wrote to sir Gregory Cassali, accrediting Gardiner and Foxe.

Number XXXIII.

Draft, in Vannes' hand, of a letter from Wolsey to Peter de Accoltis, cardinal of Ancona, requesting his assistance in the cause of the divorce, Feb. 1528.

Anconitano.

REVERENDISSIME in Christo Pater,

Vitell. B.
x. fol. 62,
al. 66.

Non obscuris indiciis, serenissima hæc Regia Majestas, sæpe antea perspexit, quam sit vestra Reverendissima Dominatio illius studiosa, et quantâ fide de eâ exoptet quam optime mereri. Hanc ego dictæ Majestatis conceptam opinionem sic ad omnes horas adauxi, ut fratris germani loco vestram Reverendissimam Dominationem habeat, eo quidem animo ut sedulo semper juvet, quicquid ex ipsius commodo, dignitate et ornamento fore cognoverit. Sed pulcherrima nunc occasio contigit quâ vestra Reverendissima Dominatio hujus serenissimi Regis animum sibi possit perpetuo devincire. Causam habet apud Sanctissimum Dominum nostrum, rectissimam, justissimam et honestissimam, quâ nulla ei accidere potest aut gravior aut quæ magis suæ Majestatis pectus premat. In eâ autem expediendâ compertissimum habet Reverendissimam Dominationem vestram posse suâ autoritate excellentique eruditione quam multum ipsi prodesse. Causæ vero statum distinctius cognoscet ex Reverendo Domino Electo Terdonensi, ac ex Domino Stefano Gardinero et Domino Edwardo Foxo, dictæ Majestatis familiaribus. Proinde ipsius ac meo nomine Reverendissimam Dominationem vestram, quam enixissime possum, oro et obsecro quod si unquam de hâc Majestate bene mereri studuit, si illius gratiam æstimat, si ullum afflictis Apostolicæ sedis rebus adjumentum publice ac privatim ab eâ expectat, nunc dignetur huic negotio sic suâ autoritate, prudentiâ, consilio et eruditione, tum apud Sanctissimum Dominum nostrum, tum apud Reverendissimum Sanctorum Quatuor, cum quo omnia potest, ex animo favere, ut in eam quæ petitur formam a sede Apostolicâ impetrari queat; quo suo officio non solum optimum hunc serenissimum Regem et me, ac universum hoc regnum sibi adstringet, verum etiam gravissimis malis,

quæ, petitione hâc rejectâ, subsequutura videntur, summâ cum suâ laude et Dei gratiâ medebitur; et ordinis nostri auctoritatem in re omnium gravissimâ conservabit, perspicietque suam operam apud principem vere Christianum, et acceptorum officiorum memorem, quam optime collocasse⁴⁶; sicuti ex eisdem Reverendo Domino Terdonensi, Domino Stefano, et Domino Edwardo uberius cognoscet, quibus ut eam quam præsenti mihi fidem, habere, et suo patrocínio tam sollicitâ expectatione me liberare velit, vehementissime precor et me ipsi humillime commendo.

⁴⁶ Scratched out, and in the margin *posse collocare* substituted; but it is a little doubtful, as it has been burnt.

Number XXXIV.

Original letter of sir Gregory Cassali to Wolsey, written by a scribe, alluding to a ciphered despatch sent to Vannes.

REVERENDISSIME et Illustrissime Domine mi,

Record
Office.

Ne Reverendissimæ ac Illustrissimæ Dominationi vestræ molestus sim, de negotio ab illâ michi comisso nihil scribam, sed refferam me ad Domini Secretarii literas, qui in hoc prudentissime se gessit. Alliqua tantum modo Domino Petro Vanni, secretioribus notis Dominationi vestræ exponenda conscripsi. Hoc unum non tacebo, Reverendissimam ac Illustrissimam Dominationem vestram tantum de Pontificis autoritate absque dubio disponere posse, quantum de suâmet propriâ, et sum-opere se Dominationi vestræ comendat, oratque ut ipsi more solito auxilium præstare velit; quod si unquam sibi oportunum fuit, his præsertim temporibus est maxime necessarium. Superest, ut quâ debeo humanitate Reverendissimæ ac Illustrissimæ Dominationi vestræ me plurimum humiliter comendem; commemoremque meum adeo illi serviendi cupiditate ardere animum, ut semper ipsius mandata, licet ardua, exequi posse sperem. Dominationem vestram oro ut mercatoribus de Cavalcanti satisfacere, michique pensionem augeri velit, ut illa michi pollicita est; et si ei molestus sum, necessitati meæ indulgere velit.

Datum Florentiæ, tertio nonas Januarii MDXXVIII.

Humillimus Servitor

Gregorius Casalius.

Reverendissimo ac Illustrissimo Domino, Domino
Cardinali Eboracensi, Angliæ legato.
Londini.

Number XXXV.

Holograph letter of sir Gregory Cassali to Wolsey, alluding to information given to Vannes in another letter annexed.

Record
Office.

ILLUSTRISSIME et Reverendissime Domine, Domine
mi colendissime,

In præsentia nihil aliud scribam Dominationi vestræ Reverendissimæ et Illustrissimæ, nisi quod Dominus de Lautrech cras non est hinc discessurus, quemadmodum mihi promiserat. Quod accidit propter imbres maximos qui in istis locis extiterunt. Tamen perendie omnino hunc exercitum promovebit. In litteris quæ sunt istis alligatæ⁴⁷ ad Dominum Petrum Vannum, continentur quædam referenda Dominationi vestræ Reverendissimæ et Illustrissimæ. Cui me humiliter commendo.

Ex Bononiâ, die 7 Januarii M.D.XXVIII.

Ejusdem Dominationis Vestræ Reverendissimæ
et Illustrissimæ,

Humillimus Servitor

Gregorius Casalius.

Illustrissimo et Reverendissimo Domino, Domino meo
Colendissimo, Domino Cardinali Eboracensi, Angliæ
legato, etc.

⁴⁷ This enclosure no doubt contained the letter of the 6th of January alluded to in Wolsey's despatch to sir Gregory Cassali of the 12th of February. See State Papers, vii. 50.

Number XXXVI.

Holograph letter from Hubert de Gambara, bishop elect of Tortona to Vannes, from Poissy, on his return to England.

REVERENDE uti frater amantissime,

Record
Office.

Citra Florentiam in itinere, per manus Reverendi Secretarii Kinit, recepi literas Reverendissimi Domini nostri diei sexti mensis præteriti. Quibus ut obtemperarem, cum non possem reverti, feci quantum in me erat, et per eundem Secretarium, opportune ad Sanctissimum Dominum nostrum scripsi. Mox e Bononiâ literas replicavi. Quod perutile extitit; cum primas literas Secretarius, nescio quâ de causâ non reddidisset. Huc postea incolumis, Deo ducente, perveni. Expositisque Christianissimo Regi mandatis pontificiis, ad deosculandas sacras Reverendissimi Domini nostri manus, cujus rei summo teneor desyderio, quamprimum mutatis jumentis advolabo; afferamque ea omnia quæ Reverendissima Dominatio sua jussit et mirifice desyderat. Interea me illi humillime commendetis, salutemque meo nomine Nobilissimæ Familiæ, Magnifico imprimis Arrundello, atque Henegio plurimam dicatis. Meque vobis commendo.

Ex Pussy 16 Januar. M.D.XXVIII.

Vester uti frater

U. de Gambara.

Reverendo uti Fratri amantissimo, Domino Petro Vanni, Reverendissimi et Illustrissimi Domini legati Angliæ a secretioribus dignissimo.

Londini.

Number XXXVII.

Holograph letter from sir Gregory Cassali to Wolsey, stating that he had sounded Campeggio as to his going to England.

Record
Office.

ILLUSTRISIME et Reverendissime Domine, Domine
mi Colendissime,

Scripsi superioribus diebus Dominum de Lautrech omnibus Abrutii civitatibus fuisse potitum, ac præsidia imposuisse, statuitque in Apuliam [statim] se conferre. Ex quo loco mittet qui recipiant Apuliæ [obsid]es. Deinde Neapolim sese conferet, ad hostes conveniendos; qui Neapolim versus et Gaietam proficiscuntur. Decreverunt quoque ut classis quæ ex Sardinia venit, et ad Hetruriam appulit, ad hanc oram Neapolis redducatur, ut hostes mari terræque [pr]emantur. Hic quoque exercitus fœderis, qui hic erat, ad [ead]em loca iter convertere jussus est. Et jam cœpit procedere. [Pon]tifex adhuc in istâ civitate commoratur, neque Romam est [pro]fector, quæ obsessa videri potest, quum in manibus hostium [s]int Hostia, Civitas vetus, et Viterbum.

Scripsi Reverendissimo Campegio, quod quum jam urbs libertati sit [re]stituta, posset, alio ibi relicto, discedere quiescendi causâ. Et [sub hoc] colore, tentavi an in Angliam proficisceretur, aliquam [n]actus occasionem. Qui respondit hujusmodi profectionem libentissime accepturum, visendi causâ Regiam Majestatem et Dominationem vestram Reverendissimam et Illustrissimam.

Ego maximo dolore crucior his literis quæ Tadeo, [a] Tabellariis sunt datæ, nullum responsum venisse, [per] quas significabatur opinio Sanctissimi Domini nostri, neque venturus est antequam responsum datum fu[erit]. Accepto, statim de legato mittendo constituetur. [Dominationi] vestræ Reverendissimæ ac Illustrissimæ humiliter me commendo.

Dat. Orvi[eti] Die 26 Februarii MDXX[VIII].

Ejusdem Dominationis Vestræ Reverendissimæ et
Illustrissimæ humillimus S[ervitor]

Gregorius [Casalius].

Illustrissimo et Reverendissimo Domino, Domino Cardinali
Eboracensi, Angliæ legato et Domino meo Colendissimo.

Number XXXVIII.

Original letter in Gardiner's hand, from Gardiner and Foxe to Wolsey, giving an account of their journey as far as Dover.

PLEASETH it your grace to understand that minding to use all possible diligence in this our journey, according to the king's highness' and your grace's expectation, we so disposed ourselves in passing hither to Dover, as we arrived here upon Tuesday at night last passed, and on the morrow trusting to have had continuance of good wind, entered the ship and passed over haulf sees, being compelled nevertheless by reason of contrarious wind to retire and turn back hither to Dover, where we abide passage, which we trust to have this afternoon, and in all events shall experiment what may be possibly done in that behaulf. Whereof we have thought good to advertise your grace *in fidem et testimonium diligenciæ nostræ*, perceiving such labours and pains as we are like to sustain in this journey, to be so much the more acceptable to the king's highness and your grace as our speed, celerity, and mature diligence may appear. Wherein, God willing, we shall so use ourselves as no blame or default shall be justly arrected or imputed unto us.

Record
Office.

This morning we received from Master Tuke present of such letters and writings as were contained in our memorial, trusting to receive the rest by Thadeus, whose expedition thence we desire your grace may be the more accelerate, forasmuch as yet we have not received the letters written to my lord of Worceter and Master Almoner, wherein consisteth the first part of our instructions concerning that is by us to be done in the French court.

We have also received the promise made by the French king to your grace touching the pope, and have here with us the king's grace's promise sealed with the signet as your grace there devised and commanded.

Herewith also we send unto your grace the answer last made by the emperor to the king's ambassadors in Spayne, retaining with us a copy, according to your grace's commandment.

And where your grace, among such articles as we required answers unto, maketh mention that because I, Edward Fox, am the king's servant and counsellor, and first named in the letters of his grace's own hand, if it were so thought convenient between us, should have the former place, and I, Steven Gardynner, to have the speech and utterance as hereunto, albeit we both joined in this message as to be in all doings of one mind, will, and intent, endeavouring ourselves ever to that may be to the furtherance of the king's mind and purpose; by reason whereof, without distinction of superiority, to that effect and purpose, we have been always and be of such conformity as we shall take in good part whatsoever shall be the king's and your grace's pleasure in that behalf; Yet, that matter referred to our discretion, forasmuch as in this journey and message we be both the king's servants, having equal charge and burden in this matter, we are between us agreed, resolved, and determined, that the preeminence both of place, speech, and utterance, be always given to me, Steven Gardynner, without altercation or varyaunce, as our old amity and fast friendship doth require. Thus we pray Almighty God long to preserve your good grace.

From Dover, the 13th day of February [1527-8].

Your most humble servants, and daily bedmen,

Steven Gardynner,
Edwarde Foxe.

To my lord legate's good grace.

Number XXXIX.

Original letter from Gardiner and Foze to Wolsey, in Gardiner's hand, detailing their voyage to Calais.

PLEASETH it your grace to understand that after as much difficulty and hard chance as hath been seen in passing the narrow seas, we arrived at this town upon Sunday last past, at 8 of the clock in the night; where we comfort and refresh ourselves as we may be able and strong in body to recover this let, passed and suffered against our will, with diligent speed in passing from hence by post, as God willing, we shall endeavour ourselves to do accordingly. Record Office.

And to shew unto your grace the circumstances and specialties of our difficile and dangerous passage from Dover to this town, first as we have written to your grace in our former letters, taking our ship at Dover the 14th day of this month, after we had passed half seas, were compelled by contrarious wind to return to Dover, and so there to continue till the Saturday following, at two of the clock in the morning; at which time being advised by the baly of Dover so to do, who said, Although the passage should be somewhat long and tedious, yet of all likelihood it should be sure, and we should by God's grace arrive at Calais that night, we entered ship again, and for want of wind, travayled the seas all that day and night following, and on Sunday in the morning, at the breaking of day, were suddenly or we knew it within five miles of this town. Nevertheless the wind and tempestuous weather so suddenly arose, and in so terrible manner as we could neither approach the haven or rode of this town by two miles, ne yet touch land in any other coast; being therefore compelled to experiment whether anker-hold would serve us, and to abide

the greatest tempest, as the marynors said, that hath been seen, who were all brought in utter desperation of our and their lives, putting more trust in prayer than man's help, which danger continued so long as the maryners praying night to approach, and that the anker-hold upon coming of the flood should needs fail, determined to try the seas, as the wind and weather would drive. And forasmuch as so doing, we approached the coast of Flaunders, into whose hands we greatly feared to come, doubting much upon such advertisement as we had at Dover, of the pope's ambassador, how we should be entreated there; after many devises how to do and use ourselves in such cace and finding them full of fear and jeopardy, at the last concluded to make some adventure to win land by our ship bote in some part of the king's ground, with our letters and money, than to abide further misadventure and trouble, with continual peril and danger in the mean season. Wherefore finally leaving all our servants in the ship save two, which entered the bote with us, by the miracle of God, attained land with the said bote upon Sunday at 5 of the clock in the night, within a quarter of a mile of Gravelynes, being marvellously weak and feeble, as well for long abstinence, having neither eaten ne drunken two days and two nights before, also the fear we were in and sickness of the seas, which was to us both, marvellous extreme. This day we understand that our ship is arrived at Dunkirke with the rest of our servants and horses, but in such sort as they say by touching the ground in entering the haven, it is clearly lost, like as our horses also be, by reason of their long continuance upon the seas. So as now unless post-horse serve us, we cannot tell how to do, being minded always to shew ourselves of such diligence as the king's highness and your grace do desire. In consideration whereof, and for our declaration that hitherto we be passed no further of our journey, we have thought good to advertise the king's highness and your grace of the premisses.

The pope's ambassador abideth passage at Dover, and yet we hear nothing of Thadeus, ne such letters as we should have had to be sent to the king's ambassadors into Spayne, which thing somewhat troubleth us now, forasmuch as we be deter-

mined with all speed to pass hence to Parys by the grace of Almighty God, who preserve your grace⁴⁸.

At Calais, the 17th day of February [1527-8].

Your grace's most humble servants,
and daily bedemen,

Steven Gardyner,
Edwarde Foxe.

To my lorde legate's good grace.

⁴⁸ On the same day they wrote a joint letter to the king, giving nearly the same account. This letter is printed in State Papers, vii. 52. Of their joint letters of this period, those sent to the king were written by Foxe, and those to Wolsey by Gardiner; the contents being in most cases very nearly in the same words.

Number XL.

*Holograph letter from Gardiner to Wolsey, from Calais,
Feb. 18, 1528.*

Record
Office.

PLEASETH it your grace to understand that since my coming hither to Calais, Master Deputy, in whom for your grace's sake I have found much kindness, hath at length declared and shewed unto me the poor state and condition of this town, greatly mourning and lamenting the same; and upon such letters as he hath received from the captain of Boleyn, whereof I suppose he hath advertised your grace, much more perplexed and troubled in mind, how the necessities of this town, if war should now ensue, as it is spoken, shall be relieved, unless your grace cause provision to be made in time, like as, I doubt not, and have also said unto him, your grace hath already done.

Nevertheless, hearing with mine ears complaints made on every part, as well of extreme poverty and debt, as also want and scarcity of victual, I thought I could no less do but to advertise your grace thereof; whom I well know to have singular respect and consideration to the maintenance of this town, which more specially requireth your grace's help and comfort to be adhibite in time.

This night arrived here the pope's ambassador, having very fair passage. I heard say by his servants, that Thadeus was at Dover; but as yet he came not here. Tomorrow in the morning, Master Fox and I take our journey by post towards Parys, God willing, who preserve your good grace⁴⁹.

At Calays the 18 day of February.

Your grace's most humble servant and daily bedeman,

Steven Gardyner.

To my lord legate's good grace.

⁴⁹ Between this letter of Feb. 18 from Calais, and the following letter from Paris of the 28th of February, they wrote a joint letter to the king, from Poissy, Feb. 24, which is printed in State Papers, vii. 54; as well as one to Wolsey, which is as follows.

Number XLI.

Copy of the concluding fragment of a letter written February 24th, 1528, from Poissy, by Tayler, Gardiner, and Foxe to Wolsey, in Wriothesley's hand.

Imperfect at commencement.

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of Mons. de Lautreke and that there is appearance of victory there, sheweth himself by answer made to the said gentleman to be made to the French king, much more prone to adhere to the league than he was before, and desireth not to be assured of so many things, ne in such special manner as the protonothary Gambara had obtained of the king's highness there, like as he said he would advertise your highness by Monsieur Moret whom he now depechith towards the king's highness and your grace for that and other matters, saying that he woll satisfy the pope's desire in all points; nevertheless since to pass his promise on such sort, as it is passed there, might if it were known make much broylery, the same not now being desired of the pope's holiness, he thought good to counsel your grace therein again, taking away by his answer all such reasons as we had made him to pass the said promise, like as the prothonotary Gambara, when we shewed it unto him, confesseth the same. So as now Gambara sticketh only in this, that the pope hath sent no such word, the French king affirmeth yes, and wol so advertise your grace by Moret. This stayed our suit, and further instance for that matter, inasmuch as the French king said he would do as much as the pope shall be content with, and that he will be content with less. And when we further moved his majesty that he which arrived here to pass to the emperor from the pope's holiness to treat of peace, and in case of refusal to denounce his holiness enemy, might have sauf conduit to pass thidre; he said, considering the intimation is past and the matters changed, he would do nothing but by common assent of the king's highness and your grace. We said, the king's highness, according to our instruc-

Harl. 419.
fol. 68.

tions, and your grace, thought good the pope should experiment such ways [of] peace whether intimation were passed or no, and that it should much confer, [to] have the pope's denunciation proceed which cannot be conveniently unless the[se] ways of peace be first experimented by thesame; hereunto his majesty answered that he thought that true, but yet he would detain here the [pope's] nuncio until he had heard from your grace again. So as thus peremptorily answered, mixed with marvellous good words towards the pope's holiness, the king's highness, and your grace, we knew our further labour to pro[ceed] nothing, and determined upon this answer to take our leave, and so we did [con]cerning our charge. At our being at the court were delivered to me, the master [of] the Rolls, your grace's letter dated the 20th day of this month, with a letter to the great master, the continue whereof, I, the said master of the Rolls, declared to the French king requiring as in the same was contained; who upon overture thereof began to rehearse the effect of such letters as he had received from the bishop of Bayon, containing, as he said, what exclamations were made there by the merchants to your grace upon his me[n] of war, and that the said bishop of Bayon was come to Sandwich in post to remedy the same as much as in him was, although he had no comission so to do, and how he himself would as gladly win the hearts of the English merchants, and do that thing might be to your grace's contentment and his good brother's, as any prince living; saying that forasmuch as the emperor since the intimation hath taken divers of his subjects of these parts as he could in any place apprehend, which he taketh not as prizes to advantage but only as *pignora* by them to obtain mutual restitution of such his merchants and their goods as be taken by the emperor. And to the intent all English merchants may know how much he trusteth in your grace, he is contented that some Englishmen deputed by your grace reside on the coasts of Pycardye, Normandy, Gascoigne, and Brytayne, shall have all the prizes taken and to be taken consigned into their hands, with authority to deliver and send home incontinently as many as shall appear to them to be Englishmen's goods and the rest, if the emperor wol do to his subjects the semblable. And in case

the emperor will agree upon a time as was in the treaties between him and the French king's highness devised, within the which the merchants should withdraw their merchandize, he is content to agree upon such a term as your grace shall think good, else being yet uncertain to what time the emperor will condescend and when the same shall begin, he may not in the mean season suffer his merchants to be taken, and suffer the emperor's subjects to have free passage. As touching the Englishmen's goods and such Flemysh ships as carry them, he will give order incontinently to his captains by sea and land, as your grace desireth, being content also to follow such order as your grace shall think good for the case of merchants, so the emperor will be content to do the semblable; whereof, and all other things to be now done for the annoyance of the common enemy, he hath instructed amply Monsieur Moret, who now repaireth to the king's highness and your grace⁵⁰. After this answer we departed from, and we Stephyn Gardynier and Edward Foxe departed to Parys that night, intending the next day on the morning to take our journey by post towards the pope's holiness; leaving with the master of the Rolls such things as might ripe and instruct him in doing that was committed unto us to be obtained; advertising also the protho-notary Gambarra of our departing, and what answer we had of the French king, who willed to write summarily unto your grace that in his opinion the duke of Ferrare should be to the see apostolic as Helena was to Troie. Thus we pray Almighty God to preserve your good grace.

⁵⁰ The rest of this letter appears to have been written by Gardiner and Foxe only, after their return to Paris.

Number XLII.

*Copy of a letter from Gardiner and Foxe to Wolsey,
from Paris, Feb. 28, 1528.*

Harl. 419.
fol. 69 b.

PLEASETH it your grace, that inasmuch as the French king's promise to be made to the pope's holiness shall be, as it is lightly, somewhat discrepant from that is already passed by the king, which we carry with us; that we may therefore be advertised how we shall order ourself to the pope's holiness in case he demand it of us, all things passed as our instructions purporteth, and whether we shall deliver the same or not. It may like your grace also by your next letters, to give thanks unto the Master of the Rolls of the kind and long entertainment he made us at our being at the French court, as well in preparing our lodging and lending us his horses, as also making us right good cheer at his table, which we know well he did for your grace's sake. We have, since our coming to Parys, visited Master Dean of Wells, and I, Stephyn Gardyner, delivered your grace's letters unto, with such token as your grace sent unto the same; who welcomed us in as kind, loving and humane fashion and manner as we had been his brethren, without suffering us for the time of our tarrying here, which was one day, to dine or sup from him; assuring your grace that he is honourably served at his board, and may have to dinner well any man of what behaviour soever he be; and, as we can perceive, every thing in good train and order, *et alit magnam familiam*, and in number above that your grace appointed, being nevertheless, as Mr. Lupsett shewed us, so necessary as no one of them could be spared. Master Dean is marvellously well lodged, and studieth very diligently as, *facto periculo*, we perceive and understand. We humbly desire your grace, that by some letters hereafter the said Mr. Dean may know, *nos non defuisse officio*, in making relation to your grace of that which of humanity we must needs shew and refer unto your grace, *ni omnium ingratisimi haberi velimus*.

Thus we pray Almighty God to preserve your grace.

Number XLIII.

*Original letter of Gardiner and Foxe to the king,
from Lyons.*

PLEASETH it your highness to understand, that coming from Parys hither by post, in as great diligence as we possibly might, we arrived here yesterday, being the third day of March, and putting ourself in order to pass forward in sure and sauf manner, as near as we can, with our friends here, devise, intend tomorrow to depart hence in post towards Jeanes, and from thence to pass by sea to Luke, and so to Florence, which is within three days' journey of Orviet, where we hear say the pope's holiness lieth; trusting to be there within nine days, if none other let or chance happen us in the way.

Record
Office.

The prothonotary Gambara cometh after us in post, and the bishop Staphileus will be here tomorrow; who when we overtook him within three days' journey of this town, promised assuredly that he would follow us with all speed and diligence; and seemed to fear nothing, but that all things should be sped without him, whereof he would be right sorry. As we shall farther pass, and have matters to write of worthy advertisement, we shall not fail diligently to signify the same unto your highness by our letters accordingly.

Praying Almighty God long to preserve your most noble and royal astate, with speedy accomplishment of your virtuous desires.

From Lyons, the 4th day of March.

Your highness' most humble subjects, servants,
and daily orators,

Steven Gardyner,
Edwarde Foxe.

To the king's highness.

Number XLIV.

*Copy of a letter from Gardiner and Foze to the king,
from Lucca, March 16, 1528.*

Harl. 419.
fol. 70.

PLEASETH it your highness to understand, that passing from Lyones the 4th day of this month towards Orviet, and taking our journey by Jeanes, like as by our letters sent from Lyones, which we trust be come ere this time to your grace's hands, did purport, we arrived this day at the city of Luke, using such diligence as we possibly might, without any tarrying in one place, either at Jeane or elsewhere, more than of necessity we were compelled to, and never lying two nights in one place from Lyones hither, travelling evermore from before the day till it was within the night, doing as much as in us was, according to our most bounden duties, without sparing any pain or labour of our bodies to accelerate the accomplishment of your grace's mind and desire; not doubting but your majesty will accept and take in good part our mind and intent in that behalf, which is, hath been, and always shall be, truly, faithfully, and sincerely to serve your highness to the uttermost of our powers. Nevertheless, in passing by the way of Jeane, have happened so many lettes, sometyne for want of horses, sometime the difficulty of the way and disappointment in our passage by sea, that such speed as we reckoned to have made hath not totally succeeded; wherein we assure your grace no blame can be arrected unto us, like as we have firm hope and confidence your highness will not, forasmuch as the time of our tarrying in the Frenche court, and of passing the narrow seas accounted, we have made as diligent passage by post hither, as any curroun could, not riding the night.

It may please your highness also to be advertised that at our being here, where for refreshing ourselves we tarried one day, the citizens of this city, having understanding of our coming, presented us with a marvellous goodly and costly present in a solemn manner and fashion, not as our personages, but as your grace's honour did require, with as good words, manner and fashion, as could be devised. They account, as they say, themselves as your grace's subjects, and confess that their city and citizens have perceived no less

benefits and promotions of your highness than if the same had been their natural lord. We think it our duty to advertise your highness hereof, to the intent your grace may have the good mind and observance of this city in your grace's remembrance and consideration accordingly.

The citizens of Jeane in a great number repaired unto our lodging at our being there; and although we would needs depart from thence the next morning, as we did indeed, yet for your grace's sake, they brought us to Jeronimus Dorea's house, and there prepared for us all things necessary, without suffering us to remain in any common inn, making us goodly demonstrations of such honor and observance as they bear to your majesty.

Our passage through these parts is divulged, and cannot be kept secret, forasmuch as in all these divers dominions, order is taken that the master of the posts shall give horses to no man, unless the same first have presented themselves to the captain and shewed what they be; insomuch as the guide, after we were a horseback, led us out of our way to the captain of the town of Petra Sancta, belonging to the Florentines, we wening the same to have been our way till we came to the captain's house.

Tomorrow we take our journey towards Orviet, and have sent our curre before to Florence, to obtain letters of passport, which for them that passeth the territory of Florence is necessarily requisite. As soon as we shall have spoken with the pope's holiness, we shall not fail to depeche one incontinently with advertisements of such answer as we shall have; and all things succeeding, as we have good hope and trust they shall, I, Edward Foxe, shall with diligence, according to your grace's commandment, return with the commission accordingly. Thus we pray Almighty God to preserve your most noble and royal estate.

From Luke, the 16th day of March.

Your highness' most humble subjects, servants,
and daily oratours,

Steven Gardyner,
Edwarde Foxe.

To the king's highness.

Number XLV.

Original letter of Gardiner and Foze to Wolsey, from Lucca.

Record
Office.

PLEASETH your grace to understand that passing from Lyons the 4th day of this month, towards Orviet, and taking our journey by Jeanes, like as by our letters sent from Lyones, which we trust be come ere this time to your grace's hands, did purport; we arrived this day at the city of Luke, using such diligence as we possibly might without any tarrying in one place, either at Jeane or elsewhere, more than of necessity we were compelled to, and never being two nights in one place from Lyones hither, travelling evermore from before the day till it was within the night, doing as much as in us was, without sparing any pain or labour of our bodies.

Nevertheless, in passing by the way of Jeane, have happened so many letts, sometime for want of horses, sometime the difficulty of the way, and disappointment in our passage by sea, that such speed as we reckoned to have made hath not totally succeeded, wherein we assure your grace no blame can be arrected unto us, like as we have firm hope and confidence your grace will not, forasmuch as the time of our tarrying in the French court, and of passing the narrow seas accounted, we have made as diligent passage by post as any curror could, not riding the night.

It may please your grace also to be advertised that at our being here, where for refreshing ourselves we tarried one day, the citizens of this city, understanding of our coming, presented us with a marvellous goodly and costly present, in a solemn manner and fashion, not as our personages, but as the king's honour did require, with as good words, manner and fashion, as could be devised. They account, as they say, themselves as the king's subjects, and confess their city and citizens have perceived no less benefits and promotions of the king's highness by your grace's good mediation, than if the same had been their natural lord. We think it our duty to advertise your grace hereof, to the intent your grace may have the good mind and observance of this city in your grace's remembrance and consideration accordingly.

The citizens of Jeane in a great number repaired unto our lodgings at our being there, and although we would needs depart from thence the next morning, as we did indeed, yet for the king's and your grace's sake, they brought us to Jeronimus Dorea's house, and there prepared for us all things necessary, without suffering us to remain in any common inn, making us goodly demonstrations of such honour and observance as they bear to the king's majesty and your grace.

Our passage through these parts is divulged, and cannot be kept secret, forasmuch as in all these diverse dominions order is taken that the master of the post shall give horses to no man, unless the same first have presented themselves to the captain and shewed what they be; insomuch as the guide, after we were on horseback, led us out of our way to the captain of the town of Petra Sancta, belonging to the Florentynes, we wening the same to have been our way, till we came to the captain's house.

Tomorrow we take our journey towards Orviet, and have sent our curror before to Florence to obtain letters of passport, which for them that passeth the territory of Florence is necessarily requisite.

As soon as we shall have spoken with the pope's holiness, we shall not fail to depeche one incontinently with advertisement of such answer as we shall have; and all things succeeding, as we have good hope and trust they shall, I, Edwarde Fox, shall with diligence, according to your grace's instructions, return with the commission accordingly. Thus we pray Almighty God long to preserve your good grace in honour and prosperity.

From Luke, the 16th day of Marche.

Your grace's most humble servants,

and daily bedemen,

Steven Gardyner,
Edwarde Foxe.

To my lord legate's good grace.

Number XLVI.

*Copy of a letter from Gardiner and Foxe to Wolsey, from
Orvieto, March 23, 1528; in Wriothesley's hand.*

Harl. 419.
fol. 72.

PLEASETH it your grace to understand that we arrived here at Orviet upon Saturday last past, in the morning, and having no garments ne apparel, other than the coats we did ride in, being much worn and defaced by reason of the foul weather; advertising the pope's holiness of our coming by Mr. Gregorie, we were compelled to tarry all that day and the next day within the house, whiles our garments were at the making; wherein we thought very great difficulty, all things here being in such a scarcity and dearth as we think hath not been seen in no place; and that not only in victual, which cannot be brought into the town in no great quantity, by reason that all things is conveyed by asses and mules, but also in other necessities, so as that cloth, chamlett or such like merchandises, which in England is worth 20s., is here worth £6, and yet not to be had in any quantity; and had we not made provision for our gowns at Luke, we must of necessity have gone in Spanish cloaks, such as we could have borrowed of the pope's servants, wherein peradventure should have been found some difficulty, forasmuch, as far as we can perceive, few men here have more garments than one. And had not Mr. Gregorie resided here, and, advertised of our coming, made preparation for our lodging, borrowing, as he said, of divers men so much as might furnish us three beds, we had been at our coming into this town, being a very foul day as hath been seen, and we within a mile of the town compelled to pass a river on horseback, wherein we rode so deep as the water came almost to our girdelseed, and so wet us, as upon that surfeit one of our servants is at this house in extreme danger of life, and rather like to die than to live, whose death should be a great loss as can be in a young man, being himself singularly well learned in physic, in the Greek and Latin tongues, as any we know. We suppose ye know him well; his name is Richard Herde. He was wont to resort much to me, Stephyn Gardyner, there, and dwelled with Master

Chancellor of Duchie. If he skape it, the physicians here think it a great matter. Mr. Gregorie shewed us that midsummer⁵¹ there cometh a wind *ab Austro* which infecteth all men, being in this city and not borne in these parts, *pestilente morbo*, by reason of a river coming within a mile of the city. It may well be called *Urbs vetus*, for every man in all languages, at his entry would give it none other name. We cannot well tell how the pope should be noted in liberty, being here where scarcity, ill-favored lodging, ill air, and many other incommodities, keep him and all his as straightly as he was ever kept in Castle Angel. It is *aliqua mutacio soli, sed nulla libertatis*, and in manner the pope could not deny to Mr. Gregory but it were better to be in captivity at Rome than here at liberty. The pope lieth in an old palace of the bishops of this city, ruinous and decayed, where, or we come to his pryvey bed chamber, we pass three chambers, all naked and unhangd, the roofs fallen down, and as we can guess, thirty persons, rif raf and other, standing in the chambers for a garnishment. And as for the pope's bed-chamber, all the apparel in it was not worth twenty nobles, bed and all. It is a fall from the top of the hill to the lowliest part of the mountain, where was *primus assensus*, which every man in manner useth for his commodity. For besides that the Venecians, Duke of Ferrare and Florentynes have done, they of Viterbe rebell, and kepe of the city from the pope for their use, trusting that the Spaniards shall have the victory. Also Sigismundus de Maltesta hath entered again into Ariminum, which Mounsieur de Lautreke restored to the pope, and keepeth it. The pope is determined, by the advice of such as be about him, to make two or three thousand of soteme⁵² to expugne them of Viterbe to the intent he may have access at his plea-
fol. 73.

⁵¹ The reading is doubtful.

⁵² The editor cannot explain this.

Number XLVII.

*Copy of a letter from Gardiner and Foxe to Wolsey, from
Orvieto, March 31, 1528; in Wriothesley's hand.*

Harl. 419.
fol. 71.

PLEASETH it your grace to understand that we arrived at this city of Orviet, where the pope lieth, the 20th day of this month, and were admitted to his holiness' presence as soon as we could conveniently repair unto the same, being compelled for want of apparel to keep ourself secret one whole day, which we used and spent with Master Gregory to such purpose as your grace instructed us; as well to know of him at length the state and condition of all things there, as also to communicate unto the same our whole charge, and to consult with him how to use and order ourself at our access unto the pope's presence.

The pope's holiness having knowledge of our arrival, sent unto us Sanga, which was the datary's servant and once sent into England to your grace, to welcome us unto this city, on the pope's behalf, saying that the pope's holiness was sorry he could no better receive us into this town, being destitute and unpurveyed of all things, and to offer us free access to his presence, at our pleasure; advertising us on the pope's behalf, that his holiness' mind was we should, all ceremonies set apart, resort unto his presence, after a homely and familiar manner, which, unless that the time we abstained from coming to him made for our purpose to have full and large communication with Mr. Gregory, we would have done, using nevertheless to Sanga for our excuse, want of apparel, which was true and evident, forasmuch as journeying by post we were compelled to leave all our apparel behind us at Calais, and here was none to be borrowed seemly or meet for us to wear.

We must humbly beseech your grace to give thanks to Mr. Gregorye by your next letters, for the loving, kind, and most gentle manner he hath and doth use towards us here, as well leaving us his own lodging furnished with beds, to his great incommmodity and our necessary comfort, as also in preparing to his cost and charge, which we can by no desires avoid, all such things as he thinketh necessary for us here.

He hath and doth keep here an honourable post, and hath great access of gentlemen unto him to his marvellous cost and charge, and much for the king's honour.

The pope's holiness hath him in great reputation, and he may do here to the king's highness such service as we think could be done by none other man. If we should not thus report of him, we think we should not do our duty towards the king's highness and your grace. In our common letters we shall shew unto your grace such conference as we have at our first audience with the pope's holiness.

Thus we pray to Almighty God to preserve your good grace⁵³.

⁵³ The corresponding letter to the king, of the same date, is printed in State Papers, vii. 63, from the original in the Record Office. It exactly agrees with the following, which is printed from a copy made by Wriothesley, and is preserved amongst Fox's MSS.

Number XLVIII.

Copy of a letter from Gardiner and Foxe to the king, written from Orvieto, March 31, 1528; in Wriothesley's hand.

Harl. 419.
fol. 71.

PLEASETH your highness to understand that we arrived at Orviet the 20th day of this month; and keeping ourself secret one day, as well to commune at length with Master Gregory of our charge, and to enquire in what condition the things stood here, as also to prepare garments meet for us to wear, we came to the pope's presence the 22nd day, and so daily from that time to the depeching of this post, were with his holiness every day three or four hours, consulting and debating of our charge; the particularities of which conferences, forasmuch as in this time of war we think not convenient to write them, but only in cipher, we omit to rehearse in these letters to your majesty, and in cipher write the same at length to my lord legate's grace; trusting that when your highness shall hear the discourses made here, and the resolution of them, it will be to your grace's good satisfaction and contentation; for accomplishment whereof, as our instructions purporteth, we shall pretermitt no pain, labours ne diligence, having good hope that I, Edward Foxe, according to your highness' commandment, shall shortly after the despatch of this post, return towards your majesty with all expeditions in due form as appertaineth.

It may like your highness also to be advertised that we perceive in sir Gregory de Cassalis, your grace's orator here resident, so much hearty good will to set forth and further your grace's matter, as well with the pope's holiness as also the cardinals and other among whom he is in such credit and reputation, as we think none other is conversant about the pope's holiness, having at all times free access unto his person and secret conferences, with the same as we think ourselves bound of duty to signify it unto your majesty, verily thinking that none other could in this place do better service unto your highness than he doth, ne more to your grace's honour, keeping here a very sumptuous porte, and in the great scarcity here marvellously chargeable.

And to shew unto your majesty his kindness and loving manner toward us, it was in such sort as, the same failing, no money could in this city have furnished us of our lodging and other necessities during our abode here, where is too much scarcity for a public place, containing his person, unto whom all the world should have access.

Here is good hope that Monsieur de Lautrek shall shortly obtain all Naples, as appeareth by such letters as be written to the pope's holiness from his nuncius resident in Monsieur de Lautrek's army; the abstracts whereof, as they were delivered unto us, we send unto your highness herewith, praying God to send short victory, and long to preserve your most noble and royal estate with speedy atchieving of your virtuous desires.

From Orviet, the last of March.

Your highness' most humble subjects,

servants, and daily orators,

Steven Gardiner,

Edwarde Foxe.

To the king's highness.

Number XLIX.

*Original letter to the king, written in April, 1528.**Signed by Wolsey.*

SIR,

Record
Office.

After my most humble and hearty commendations, it may like your highness to understand that since I sent unto the same Master Peter, I have received other letters⁵⁴ from Mr. Fox and Mr. Stephens, both to your highness and also to me; and likewise to Brian Tuke, which because they contain matter touching the progress of their journey and other things worthy knowledge, though they be not of a latter date, I send unto your highness herewith, humbly beseeching the same to take the pain to read them, for knowledge of the state of those parts, and other things therein mentioned.

And Almighty Jesu preserve your most noble and royal estate.

Your moste humble chaplain,

T. Car^{lis} EBOR.

To the king's most noble grace, defensor of the faith.

⁵⁴ This letter was probably sent to the king with the letters of Gardiner and Foxe, which were addressed from Lucca on the 16th of March; though it is possible it may refer to some later despatch.

Number L.

*Copy of a letter from Gardiner and Foze to Wolsey, giving
a detailed account of their interviews with the pope.*

PLEASETH it your grace to understand, that appointed Harl. 419.
fol. 75. to repair unto the pope's holiness for our first audience upon Monday last past at after dinner, after access to his presence into his privy bed-chamber, finding him accompanied with the cardinal De Radulphis, after due reverence and ceremonies accustomed, we delivered the king's highness' and your grace's letters unto him, with most humble and lowly recommendations on the king's and your grace's behalf.

And to shew unto your grace the circumstances of his holiness' behaviour unto us, incontinently as he had read the said letters, his holiness shewed unto us the effect and continue of them in very compendious and well-couched words. *Et continuatâ oracione*, without suffering us to speak, began to repeat the king's great benefits towards him and the See Apostolic, and specially in the time of his captivity; and how much he and the See was and is obstringed and bound to your grace, by whose procurement, solicitation, and mediation such things hath been always set forth as might confer unto the same; adding thereunto of what mind and intention, as well *in minoribus* as also since his erection to this dignity, his holiness hath been, and is, to do all things that might be to the good satisfaction and contentment of the king's highness, and now specially in this cause, touching so near the quietness and tranquillity of the king's conscience, with the wealth and commodity of that realm; and many such words spoken, as we might judge, as those which proceeded sincerely from the bottom and root of his heart and mind; willing us finally, without any circumstance of words, familiarly to enter with him into communication of the essential points of our charge. Wherein he would give such resolution without tract or delay, as we could reasonably desire, and as might be agreeable with law and equity, for justification of his doing, and maintenance of his and the king's honour hereafter.

fol. 76.

At this point, his holiness making a pause, I, Steven Gardiner, said, "That it was well known and persuaded to the king's highness and your grace, of the great zeal, love, and affection that his holiness beareth towards them both, and the wealth of that realm of England, whereof now of late the king's highness and your grace hath had advertisement, as well by sundry the letters of sir Gregory de Cassalis, as also the report and relation of master Secretary, and more amply by the mouth of the prothonotary, Gambara; who not only exhibited unto the king's highness a commission and dispensation passed by your holiness in the king's great matter, but also added thereunto, as of special credence from your holiness, that if the same were in any point thought insufficient, or that by the advice of learned men any other thing could be devised to be added thereunto, with all such rescripts, breves, and bulls, as might conduce to the effectual definition and determination of that matter, your holiness would therein without delay or difficulty interpose the uttermost of your authority; as in the favour of him who hath by his manifold merits deserved to perceive and take all benefits and graces of the See Apostolic, as may stand and be agreeable to equity and justice. Wherefore, albeit the said commission and dispensation be in some material points altered from the minute and form by the king's highness required and desired, and by reason thereof cannot fully serve for the achieving of the king's desire and intent; yet forasmuch as in exhibiting the same, it was added, as afore, by the said prothonotary Gambara, and also confirmed by sir Gregory's letters, that if the said commission and dispensation were not thought sufficient, all defaults should be supplied and reformed, and the same newly to be granted accordingly; which is a manifest argument and evident token of your holiness' sincere proceeding herein; the king's highness giveth unto your holiness no less thanks than if the same had been passed in most available form and manner." And hereupon inferred the cause of our coming, touching first the pope's particular matters, and shewing the king's mind and intention; declaring also what answer we had in the French court; added thereunto your grace's labours, travail, and pain in fashioning and setting forth these things, for satisfaction and contentation of his holiness, with

the conservation and maintenance of the See Apostolic, and rights of the same. And from declaration of the particularities of that matter, extending at length the good and fast mind and intention of the king's highness, *adhærere Sanctitati sue in prosperis et adversis*, now by these good demonstrations on his holiness' behalf deeper rooted and confirmed, descended from that to the king's matter, according to our instructions, shewed the king's request and desire; omitting here to write unto your grace the manner, form, and order of the words, forasmuch as the same is not to be committed to writing, but in cipher, as we think *in præsentî rerum statu*. And spending the day half with the pope and the other half with the cardinal *Sanctorum Quatuor*, unless we should too long defer sending of our letters, we cannot commit the same to writing.

The pope's holiness, when he heard at good length what was said, noting diligently the particularities, first, as concerning his own matters, he said, the king's highness and your grace doth therein as his trust and expectation was, in whom *omnem spem suam semper reposuit*; and hath hitherto found all things *expectationi cumulatissime respondisse*. And where according to the instructions it was touched, that albeit such promise were now made, yet his holiness must be content to dissemble, and keep the same secret, till all things were in fol. 77. Italy composed and pacified; his holiness said formally these words, "That according to his duty, he is, and hath been, much more studious of the commonwealth of Christendom than his own particular affairs, minding evermore so to consider and regard them, as thereby be not impeched or hindered the state and condition of the common cause. Wherefore, giving most hearty thanks to the king's highness and your said grace, his holiness said he would follow your advice and counsel therein." And so passing over that matter without further inquisition, as though that were not the thing he had so much to heart, as the furtherance and setting forth of the king's cause, he began to answer to that. And whereas, according to the instructions it was declared, how your grace being advertised that his holiness somewhat stayed in expedition of the king's desire, for that it was shewed him, that matter was set forth without your grace's consent or knowledge; wherefore your grace willed us, after protestation made

on your grace's behalf of your sincerity in that matter, to shew and open your mind, as well concerning the merits of the cause, as also the qualities of the gentlewoman. Hereunto his holiness made answer, "That neither such protestation needed unto him who inwardly knoweth your grace's qualities, ne he can think in the king's highness, who hitherto above all other things hath esteemed his honour, any undue affection in a matter of so high importance; the perils and jeopardies whereof towards God no man can better discuss and judge than his majesty; whose opinion, mind, and sentence he would sooner lean unto than any other learned man's; saying, that the king's highness' reasons must needs be of great efficacy, strength and sufficiency, whereby this matter might be ruled and ordered, considering his excellent wisdom, profound learning, and mature judgment; all which, he doubteth not, have concurred to the setting forth of this matter; desiring therefore to see and read the king's labour and study in this matter."

fol. 78.

And as touching that was said, that your grace should not have been made privy thereunto, he said, "Although it was so reported unto him, yet he never steadfastly believed it, ne could utterly persuade unto himself, that any thing should be set forth of so high consequence without your grace's advice and counsel; whose high wisdom, policy, and dexterity he well knoweth to have much furthered the king's highness' and the affairs of all other princes, to what part soever the same have inclined; not doubting, but the king's highness, like as he hitherto hath done, so he doth and will do from henceforth, perceiving these great gifts, virtues, and qualities in your grace, to use the same in all his doings; and in consideration of them no less esteem your grace than the having of an heir to succeed him in his realm." These were the pope's formal words, as near as we could note the same. Whereunto his holiness added, "That such report, although as is afore rehearsed, it sank not deeply in his mind; yet, to say the truth, it stayed him, and made him doubt in the matter, with desire to be ascertained of the truth in that behalf; as is now very glad to hear the same reported so largely by our mouths; concluding finally, that for alteration of the Commission, and passing it in other form, he would regard nothing but the

king's honour and of the See Apostolic; which two were so conjoined in this cause, as that toucheth the one must needs touch and pertain to the other; saying, furthermore, that herein his holiness would use no tract ne delay, but be content to take pains from day to day, and only entende to the expedition of this cause; appointing us to the repair again the next day; at which time he would with us read the king's book, and so, informed of the reasons, consult with us and the cardinal *Sanctorum Quatuor*, how and in what form the Commission should pass." Which, for that time being near night, we thought sufficient answer concerning that matter.

And forasmuch as your grace by letters sent by Thadeus, willed us at our coming to the pope, in opening our charge to the same concerning the mediation of peace between princes, and how the king's highness is well content his holiness send legates to the king's highness, the emperor, and the French king, of componing the peace, should by some good occasion infer matter, whereupon the pope's holiness might be induced, as of himself, to set forth an overture to the French king of abstinence on that side the mountains for this purpose; after his holiness by way of familiar entertainment had shewed us of the cruelty of the Spanyards at Rome, and what destruction of houses they made there, trusting to have found treasure hidden; passing from that communication to the present state of Italy, and thereupon inferring *ambiguum exitum belli*, the pope's holiness also, somewhat mistrusting lest the Spaniards would *detrectare pugnam*, and divide themselves in towns and fortresses, to delay and delude Monsieur de Lautrekk's purpose; trusting in putting over battle, to weary their enemies, fol. 79.
and charge greatly the confederates in the mean season; which was a thing greatly to be feared; we said, God forbid it should so be. And that upon trust and hope this war should shortly be at a point, it is capitulate between the king's highness and the French king to make actual war in Flaundres; and how for that purpose great preparations was and is made in Englande, with trust that the French king will, as the treaties purport, send a great puissance thither. Wherefore if the war should still continue here, and the enemies not exterminate before that time, peradventure, *divisa virtus minus valeret*.

Wherefore we said unto his holiness that your grace pon-

dering this matter, and as a devout member of the church, tendering the quietness of these parties, to the intent your holiness, living out of fear and danger of these cruel people, might entend to the reparation and restitution of the See Apostolic, have by your letters willed us to say unto his holiness the same to be spoken in suchwise, as it should neither come to the French king's, ne the king's highness' knowledge, (who intendeth in the most earnest manner to press the emperor in all parties,) that if for the purpose before specified his holiness, by his legate, would set forth an overture of an abstinence on that side the mountains, as of himself, your grace would gladly further the same. Hereunto his holiness gave no direct answer; but said, it was a matter worthy to be dreamed and slept on. And his holiness said he would do so. And so passing from this communication to such news as were then come from the army, we departed for that night.

I, sir Gregory, think that it hath been persuaded to the [pope], as I know many here to be of the opinion, that there is no way to deliver Italy of war but to commence it in some other place; which, as I have at divers other times said unto the pope's holiness, seemeth to proceed of them that do not well consider, ne ponder the circumstances, the state of the world, what charge this army is at here to the French king, and how hard it will be for the French king to furnish his number capitulate with the king's highness, which cannot find money to keep at all times just pays for this army, whereunto concurrerth the help of other confederates.

Thus departing for that night from the pope's holiness, we intended to have repaired that night to the cardinal *Sanctorum Quatuor*, but that it was too late. The cardinal Anconytane and the cardinal *De Ravenna* be not here; but we have sent their letters unto them, trusting they will the sooner repair hither, and afore their time appointed; which is to return within this fortnight.

fol. 80.

The next day at afternoon we went, as was appointed, to the pope's holiness, and exhibited unto him the king's book; which his holiness incontinently began to read; and standing awhile, and after sitting upon a form covered with a piece of an old coverlet, not worth 20d., holding the book, read over the epistle before, and the latter part of the book touching the

law, without suffering any of us to help him therein. Noting evermore the reasons, as one succeeded another, and objecting that which his holiness saw afterward answered. Which done, his holiness greatly commended the book, and said he would for a day keep it with him, to the intent he might by himself at good leisure read, as well the first part as also the second part again. And forasmuch as the epistle was directed to your grace and the other prelates, his holiness demanded for the answer made thereunto, as the king's highness requireth in the end of his epistle. We said, that none answer was made in writing, but of what sort the answer was, his holiness might perceive by your grace's letters, and such words as we had spoken unto him on your grace's behalf. And so seeming to be right-well content therewith, his holiness demanded whether the king's highness had at any time broken this matter to the queen, or not. We said yes, and that she shewed herself content to stand to the judgment of the church.

From this question his holiness descended to the manner of proceeding of this matter, and how the same required celerity; and thereupon called in doubt, whether your grace should be refused as suspect. For that, answering to the king's epistle in his book, and declaring your mind thereupon, and so in manner giving sentence beforehand, your grace cannot be called indifferent hereafter.

We said, That in this matter were two things to be considered. First, the law, if the fact be true; and second, to know whether the fact be true or no. Your grace's sentence hath passed you openly, but only on the one side; which is, that the fact being true, the law should by such reasons as be alleged seem to incline to that part. Which letteth not but that his holiness may yet commit unto your grace, as indifferent, knowledge of the fact, sending a Commission Decretal *in eventum veritatis facti allegati*, defining the law. Herewith his holiness seemed satisfied. Unto whom it was said, That for avoiding all such letts, it was devised there, that a clause should be put in the Commission, *remotâ recusacione et appellacione*. Whereunto his holiness assented.

Finally, concerning the Commission, it was then too late to read it. And his holiness willing us to leave it there with fol. 8r.

him, said, he would in the morning read it by himself, and afterward send it to the cardinal *Sanctorum Quatuor*; minding with all celerity to do as much to the king's contentation and pleasure, with satisfaction of your grace's request, as he might possibly do. We evermore did inculcate what speed and celerity this thing required, and what danger it was to the realm to have this matter hang in suspense. His holiness confessed the same; and thereupon began to reckon what divers titles might be pretended by the king of Scottes and other; and granted, that without an heir male, with provision to be made by the consent of the state for his succession, and that shall be done herein to be established in such fashion as nothing may hereafter be objected thereunto, that realm were like to come to dissolution. Which he doubteth not but that the king's highness and your grace hath well foreseen and considered. Thus, without answer to that, his holiness said he would sleep on for setting forth an abstinence, we departed for that night, appointed to resort unto his holiness on the morrow.

That night we went to the cardinal *Sanctorum Quatuor*, and after delivery of the king's and your grace's letters, with most hearty recommendations on the king's and your grace's behalf, with like thanks for the great pains and labours he had sustained in advancing and setting forth the king's great matter; declaring thereby the inward zeal and affection that he hath to do pleasure and gratuity to the king's highness, who is a prince of such liberality and munificence, as will consider and regard such kindness abundantly, to the good contentation and satisfaction of such as do anything for him. Wherefore inasmuch as, *in testimonium acceptæ gratitudinis*, the king's highness had given us commandment somewhat to offer unto him in his grace's name; it should be displeasing to his grace to understand that the said cardinal hath refused to take the two thousand crowns offered by Mr. Secretary and Mr. Gregory; which his highness thought verily he had accepted and taken. This was spoken by the advice of me, sir Gregory. Forasmuch as I could in nowise cause the said cardinal to take one penny by no means. And so rewarding his secretary with thirty crowns, I keep the rest in my hands to be offered him again.

Hereunto the cardinal said, That he was, and so would be reputed and taken, the king's true servant; to do any thing that lay in his power, not sparing any labour, travail or pain, to do thing acceptable to the king's highness, unto whom only the See Apostolic, and members of the same, may well account themselves obliged and bound to honour his grace, to pretermitt no office, or observance, wherein might be administered unto him gratuity or pleasure. Wherefore he said, that all he hath done, and can do, for the king's highness, he fol. 81. thinketh it much less than his duty; and rehearsed the king's manifold benefits exhibited to the See Apostolic; to take war for the church's cause; to cease from war at the pope's desire; and specially the procuring of the pope's deliverance; and particularly all that the king's highness hath done for the church, as came to his remembrance in sundry popes' days; extending the same with marvellous good words. And finally said, for these considerations he would shew himself as diligent in expedition of this the king's matter to his good contentation, as much as might be maintained with law and equity, with all celerity accordingly. And so from such good words entered into the particularities of the matter. In communication whereof, we shewed him what labours, pains, and studies the king had taken; and summarily, shewed him the order of the book, and after what sort every thing was handled. It pleased him very well. And as to the form of the Commission, he rehearsed his old opinion. Whereunto we said, Answer was made there by the advice of sundry learned men, who thought that the form desired by the king's highness is conformable to such as be in the Decretals; and rehearsed by heart the chapter *Veniens*, in the title *De Sponsalibus*; which is in such like form as the king's highness desireth. Incontinently as he heard that, falling from his old opinion, he said, that indeed such a commission might be granted by the office of *Contradicta*; whereof I, sir Gregory, have written to your grace. We asked him the fashion and manner of that office, and passing the Commission; he said, that it should pass under lead, so as the pope's holiness might allege, if he list, ignorance therein, as passed by his officers. We said, that passing after that manner, the said Commission might be, by an inhibition, impetrate on like fashion, frustrate and letted. He

said, that good heed should be had thereunto. By which words of the cardinal *Sanctorum Quatuor*, we perceive, that only fear of victory of the Spaniards letteth this cause. And they all fear lest peradventure *victrix exercitus Hispanus* would upon this matter make a quarrel.

fol. 83. Which our conjecture we see somewhat confirmed by the pope's words, at our coming to his presence on Wednesday. At which time demanding of his holiness whether he had read the Commission, and how the same liked him; his holiness said, It seemed unto him after the tenor of that was first sent; and neither approving ne unproving, said, he had sent it to the cardinal *Sanctorum Quatuor*, and tarried to hear his opinion. Who being then diseased, his holiness required us to come again on the morrow, at which time we should together consult upon that matter. That matter thus stayed by the disease of the said cardinal *Sanctorum Quatuor*, we desired his holiness to devise what cardinal should be most convenient to be sent as legate in that matter, to proceed jointly or severally with your grace, who might have a good pretence for componing peace between princes. Which is a thing very necessary, as we had before shewed to his holiness. Hereat his holiness somewhat stayed, and would not expressly grant that he would take upon him *provinciam mediatoris pacis*. And when we repeated unto his holiness the relation of Gambara, of such letters as the emperor should have sent unto the pope's holiness for that matter, his holiness faintly said, That such letters he had. Howbeit his holiness nothing earnestly spake in that matter. We enforced that as much as we could; and said, We thought cardinal Campegius should be a very meet personage to be sent into England; who might, being there-jointly with your grace, proceed in this matter. His holiness said, That this, the king's matter, being thus divulged, it should be noted of all men, that whatsoever other cause were pretended, it should be verily thought the very chief cause should be for this purpose. We then adding, that in cardinal Campegius, noted somewhat to favour the emperor's causes, and to be indifferent, should be judged no such thing; replied no further, to the intent we might the better discipher the very lett and sticking; and for avoiding and removing thereof, lay such ordinances as your grace in your instructions hath prepared for us.

After this, we took occasion to induce his holiness to set forth the abstinence, and by mutual reasoning to know of what opinion his holiness was concerning the same; not naming it an abstinence, but a converting of the prince's powers totally to the extermynion of the emperor's army, before doing any thing in Flaunders. His holiness said he thought good that *bellum* were *reipsa* executed here, *et solo nomine* in Flaunders. And all things to be so ordered, as they in Flaunders should be in continual expectation, lest being secure, they should, for avoiding the war, cause a new army to be sent into Lombardye. We said, That it is not to be thought, howsoever things proceed here, that they here in the Low Country will spend any treasure for helping the emperor in any part, but only in defence of their own country. And whereas his holiness thought good, that all the prince's powers converted *reipsa* to the maintenance of this army, for the pacification of Italy, it should be expedient *bellum geri nomine et fama* in *Flandrid*; we thought that such threats and *fama belli*, without any effect ensuing, should much encourage the Flemmings, and them of the Low Countries, and cause them to think the default to be in the prince's puissances. Which opinion emprinted, the enemies might greatly hinder the common affairs. Wherefore we thought good, that if *omnis vis belli* should be converted hither, it were expedient that by some good policy an abstinence were set forth on that side the mountains.

Hereunto we had no direct answer: but so departed from his holiness, leaving that matter to be delivered of by his holiness till our next repair unto the same. Which shall be this day, being the morrow after our Lady Day, at three of the clock at afternoon. At which time the cardinal *Sanctorum Quatuor* hath also promised to be there.

At our repair unto the pope's holiness, as was appointed, there we found with him the cardinal *Sanctorum Quatuor*, and standing in another angle of the chamber the cardinal Ursinus, the cardinal *Cesarinus*, and the cardinal *De Cæsis*. And as fol. 84. soon as we were entered his bed-chamber, his holiness withdrew himself into a little study, which his holiness useth for his sleeping chamber; and there caused stools to be brought; and setting himself with his back to the wall, willed the cardinal *Sanctorum* and us to sit round about him; and then

called for one Jacobus Symonet, dean of the rote, a man of good gravity, and, as it seemeth, substantial learned. When we were thus placed, the cardinal *Sanctorum Quatuor* began to purpose the consultation and cause of our meeting, and there shewed in effect such reasons as he had written into Englande. And after him spake the said dean, with a preface, that it was a matter wherein he had not much studied, ne turned his books. Nevertheless as seemed to him for that time, he thought the cardinal *Sanctorum Quatuor* said very well. When they had both spoken, the pope's holiness willed me, Steven Gardynere, to speak what I thought good in defence of the Commission. And so I did, to their good satisfaction. And finally, the matter was so opened and declared by us, as the pope's holiness right well perceived it, and could not but allow the king's desire and his mind therein.

And finally, the matter was reduced to this point, that such Commission, although in old time it hath passed, and is not discrepant from justice, yet it is now *novum et insolitum*. And the emperor might take occasion against the pope to say, that to his injury his holiness doth an act *extra modum nuper consuetum, et communem stilum curie a temporibus editorum decretalium observatum*. Howbeit we brought his holiness by persuasions from this allegation; and only rested to know the opinion of learned men, whether the particular causes expressed in the commission may be justified to be sufficient for a divorce or not. And thereupon willed the said Symonet to look his book, and to have conference with us. We were reasoning to and fro before the pope's holiness above four hours. In which conference we have plainly opened unto his holiness the causes why the Commission is desired in that form, and what is meant thereby; furnishing it with such reasons as were not removed, ne taken away, but *solo timore*. Inasmuch as the pope's holiness to declare his good mind towards the king's highness, said, that he had so much confidence in the king's highness' conscience, as he would ground his thereupon, and doth persuade unto himself, that to be true and just which so appeareth unto the king's conscience, and would upon that ground privily pass any thing he might do by his authority. But in this case, which shall come to the knowledge of the world, he said he must so do, as the See Apostolic be not

slandered thereby. And forasmuch as⁵⁵ in himself his holiness acknowledgeth no such profound learning as were sufficient to discuss this matter, he thought therefore of duty he could no less do, than to counsel other thereupon, such as be about him here; who might hereafter justify his doings, whatsoever should be alleged on their part. Wherein he doubted not, but the emperor would cause divers universities to write. And thereupon to me, sir Gregory, his holiness shewed a letter, sent secretly from a gentleman, being in the emperor's court; mentioning what answer was made by the said emperor to the intimation made on the king's behalf, containing this matter of divorce; which addeth some fear to the pope's holiness, being of his own nature *timidior quam oportet*. And beside that, the doubtful end of the war in Naples, which by such tidings fol. 85. as came at our being with his holiness, mentioning how the Spaniards intend to divide and distribute the army into holds there to abide grace in space, is not like, as they think, to be ended before Michaelmasse.

Nevertheless, whatsoever we can devise in the king's matter to be done in such sort, as the pope might allege any excuse for himself somewhat to cloak his doing herein, we think he will make no sticking thereat. For as touching allegation of the king's merits and deserts, it was no need for us to speak any thing, the same being in the most ample wise rehearsed to the pope's holiness by the cardinal *Sanctorum Quatuor* in our presence, with confession on all parties, that in the king's cause nothing were to be omitted that might be done, agreeable to justice and style of the court. Tomorrow in the morning the said Symonet, dean of the rote, in whom the pope's holiness putteth his confidence, shall by appointment repair to us, for examination of the justice of the matter. Which done, and persuaded to him, as we trust it shall be, we have good hope that we shall somewhat remove the pope's holiness from the respect of the style, *et moris novi ab editis decretalibus observati*.

This day in the morning, being the 27th day of March, arrived the prothonotary Gambara. And as yet we hear no word from Staphileus. But they say he will be here within these

⁵⁵ As far as this the letter is copied in Gardiner's hand, afterwards it is in the hand of the scribe who wrote from fol. 68 to fol. 74.

three or four days. All this day from seven of the clock in the morning to dinner-time, and after dinner till it was night, the said Simonet, dean of the rote, hath been with us, and heard what could be said concerning the law upon the causes alleged and expressed in the Commission; he taking upon him the contrary part, and objecting as much as he could. And albeit he would not expressly confess our purpose, fearing that then there were no remedy, but that the Commission in the form desired should pass, from reasoning he descended to persuade us rather to take a general Commission, in as ample form and manner as we could devise, with promise of ratification, than to stick upon this form, being new, and out of course. And if we would be so contented, he would not doubt but we should be sped tomorrow. And so began to make his reckoning, that within three months sentence might be given there and remitted hither to be confirmed; with many good words, how gladly he would set forth the king's cause, and how much he and the whole court be bound to do the same; taking thereupon occasion to speak of the king's benefits to the See Apostolic, and what a minister your grace hath been in setting forth the same. Assuring your grace that generally here all men that speak with us do the semblable, expressly confessing, that through the help of the king's highness and your grace's solicitation, they have obtained the little liberty they have; and your favours failing should not enjoy the same. Finally, the said Simonetta perceiving that by no means he could persuade us to be content with such a Commission, as is agreeable to the second degree your grace hath prescribed us, departed from us for that night.

On the morrow we went to the cardinal *De Monte* and delivered him the king's letters, with recommendations on his highness' and your grace's behalf. Who receiving the said letters, joyfully said, It was much to his comfort after these calamities to receive letters from that prince, who hath only succoured and relieved them out of the same; much extolling the king's merits, and your grace's, towards the See Apostolic and them; shewed what rejoice it was to them to read your grace's letters written unto them, when they were *in vinculis*, containing words full of life and hope; adding thereunto, that if every one of their college had with such good heart regarded

that calamity as your grace did, it had been much less and sooner redubbed. He is a man of good courage, and spake it heartily. Finally, he said what he might do in furthering the king's matter, which we shewed unto him at length, it was his duty to do it, as a member of the See Apostolic, so greatly obliged and bound to the king's highness in the most effectual manner do the same. And that we should well perceive and know he would be as diligent therein as though it were his own.

The pope's holiness on Passion Sunday at after dinner counselled upon this matter with the cardinals *De Monte* and *Sanctorum Quatuor*, and the said Simonetta, appointing us to come to his presence about three of the clock; and so we did. fol. 86. Finding his holiness in his little sleeping chamber, accompanied with the cardinals *Sanctorum Quatuor* and *De Monte*, being there also the said Simonetta. His holiness commanded us all to sit down, he himself sitting as it were *in medio semicirculi*; and willed me, Stephyn Gardyners, to ask what we desired. Which I then did, adding such circumstances to the petition as I thought convenient; desiring in effect a Commission after such form as was already exhibited to his holiness on the king's behalf. Whereunto the pope's holiness made answer at good length, protesting first his good mind towards the king's highness, and how much he ought of duty to do to his highness' good satisfaction, with plenty of good words. And secondarily, shewing what he had done therein, forasmuch as his learning is insufficient in this behalf. Hereunto I, Steven Gardyners, replied that in this matter were two articles, chief and principal; one, whether his holiness would pass the said Commission; another, whether if he would, he might. For the first part, *ad captandam benevolenciam*, I said that besides such demonstrations as have been made heretofore, we since our coming have seen *evidentissima argumenta*, and may be *testes locupletissimi* to the king's highness and your grace, of his holiness' propense will in this matter to accomplish our desire. For the second part, whether his holiness might, I said that I trusted by the king's book for the justice of the matter, it well appeared, and also by such offer as the cardinal *Sanctorum Quatuor* and Simonetta, being learned men, have offered unto us in that behalf; saying, that the sentence

once given should be confirmed by his holiness. Which promise if it be to be trusted unto, is a plain confession that our cause is good ; or else it ought not to be confirmed. Wherefore between our desire and their offer is only difference of time ; so as that which is promised to be done after the sentence, we require it to be in effect done before. Which was necessary to be obtained in avoiding such chances as might let obtaining of the confirmation ; as death of the pope, or other adverse success not now thought.

So as this matter is brought to this point, as the only style and manner letteth the granting of the king's purpose ; which I said the king's highness would take very strangely, and would think his manifold benefits ill employed if in the manner and form of obtaining justice there shall no respect be had of his person and weight of his cause than *promiscuæ plebis* ; ne obtain more here after so great charges, costs, and delay of time, than his highness might have obtained at home. Not doubting but his majesty, understanding hereof, would use *domestico remedio apud suos*, without ventilating his cause, where he perceiveth it is handled, looked on, and heard, as though there were already in men's hearts enrooted *præjudicata opinio*, that all things were coloured, *et nullis nixa radicibus justiciæ et veritatis*. When I had thus spoken, with many more words sounding to that purpose, every man looked on other and so stayed. At the last Simonet thinking that the matter touched him near, inasmuch as by granting and offering confirmation of the sentence he should seem to approve the justness of these causes ; began to make and shew a difference between confirming the sentence after it was given, and making this Decretal Commission. And so entered again into reasoning of the causes.

The pope's holiness heard with very good-will disputation in that matter. The cardinals *De Monte* and *Sanctorum Quatuor* all this while were only auditors ; the cardinal *Sanctorum Quatuor* knowledging, that besides the style of the court and usage thereof, he hath no sight in the law ; and the cardinal *De Monte* alleging that as yet he hath not looked his book in this matter. But they both desired us to be content with a Commission, containing no special causes, with promise of confirmation ; which should serve the king's purpose. And

therein should be no difficulty made. We said that our petition therein was by the advice of many learned men prescribed at home, and given us by instructions which we might not transgress. The pope's holiness said, that all that which with his honour he might do, he would do it gladly without tract or difficulty. We said, that that which was not honourable for his holiness to grant, was not honourable to be desired on the king's behalf. So as in this matter, if honour should be touched, it should be touched in them both. And it is not to be supposed that the king's highness, who hitherto hath had such respect of his honour, conserved and defended the same above all other princes, would now, in conducing this matter to effect, do anything that should stain or blemish the same; or that your grace, who hath such consideration both to the king's honour, as his subject, and to the See Apostolic, as member of the same, would be counsellor or minister in any thing that should be dishonourable to both, or either of them. fol. 87.

The pope's holiness perceiving that our words were somewhat plainer than they had been, and that by degrees we began to speak more earnestly than we had done, and that we alleged always for a ground nothing to be let or stop in granting the said Commission, but only the style and manner of late in every common cause used; which seeing we touched very much, his holiness said, that shortly to resolve this matter, he is now fixed and determined in satisfying the king's desires, to set apart all style and common course of the court, which could be no law to him, ne bind his holiness to follow the same in so great a cause as this is, and to such a prince, who hath deserved so many benefits of the See Apostolic; extending his authority therein, and speaking as it were against *Sanctorum Quatuor* who is altogether *Defensor stili curiæ Romanæ, non prioris et antiquissimi, sed posterioris et novissimi*, used from the time of his practice. Finally, the pope's holiness said, if in the law these causes may be ground just and sufficient to maintain a sentence of divorce, he will make such a Commission, any style or use to the contrary notwithstanding. Adding thereunto that if the emperor should grudge thereat, he cared not therefore, and having matter to defend *justiciam causarum*, he would by breve signify to the emperor and the world, that *in modo admi-*

nistranda justiciæ he of duty ought to shew all favour and grace to the king's highness for his manifold merits; and so he would. Wherefore his holiness said he would hear what the cardinal *De Monte* and the cardinal Anconitane, unto whom he writeth in post, will say in these matters; and hearing their judgments he would shortly satisfy our requests and desires. And then devise with us upon sending of a cardinal, and who should be most meet for that purpose.

We desired his holiness that it would please him shortly to resolve himself therein, to the intent we might depech our post, whom we have tarried these six days past, and intend not to depech him till we shall have some certain resolution to signify unto your grace. His holiness said that no man desired more speedy expedition than he himself, knowing of what moment and importance the matter is.

After these disputations, continuing by the space of three hours, we did arise, and so did the pope's holiness, ministering unto us familiar communication, and enquiring of the bishops of England and their great age, as the bishop of Winchester, Norwich, and my lord of Canturbury and other. Whereupon telling his holiness a merry tale of the bishop of Norwich's good heart, and how being above fourscore years old, he would have a chamber devised near the ground, without any stairs, to lie in twenty years hence, when he knew well he should be somewhat feeble; took occasion to make overture unto his holiness of taking away the first-fruits, telling it as a motion made by the said bishop to the king's highness and your grace, without shewing the pope's holiness that for obtaining thereof we had any instructions therein. His holiness, for pastime, liked well to hear thereof, and began to enquire of the particularities, how and what manner those fruits might be redeemed. We then shewed the king's highness' and your grace's device, which liked his holiness very well, and so did it the cardinals there present. Wherefore having that opportunity, and minding to diminish such particular suits, to the intent all coming *in cumulo* should not seem much, said that we had a commission from the king's highness and your grace to obtain commission with sufficient authority for the doing thereof. His holiness said it were a good deed, and he would gladly concur to the perfecting thereof. Which words being spoken to the

cardinal *Sanctorum Quatuor*, and in the presence of Simonetta, one of the referendaries, be a full expedition in that matter.

The pope's holiness, although it was night, having pleasure in communication of this realm, introduced of himself communica- fol. 88.
tion of your grace's college, and began to tell the cardinals *De Monte* and *Sanctorum Quatuor* what a meritorious act your grace had begun in that realm, and inquired of us how the building proceeded, and what we thought they would cost or they were finished; of the number of scholars, common readers, and all other particularities; which we then declared at great length, to the great rejoice and pleasure of the pope's holiness and the cardinals, as they said, to hear. And much it pleased them to understand that your grace hath taken such order in letting the farms as no man shall have them but such as will dwell upon them, and maintain hospitality; thinking that the same is not only good and expedient for example to be followed and observed of other, but also greatly meritorious towards God, well justifying and maintaining the commutation and alteration of those religious places whereof only did arise *scandalum religionis*. Thus entered in this communication, we immixed such things and reasons as might serve to facilitate the obtaining of that is here to be granted for the said college. And without opening any special requests, we said in general that if his holiness continued his good mind towards the finishing and perfecting of that college as his holiness hath to the beginning and commencement, your grace had so disposed all things there as it should shortly be brought to the desired perfectness, although the same is and shall be to your grace's inestimable charge; which should be a perpetual memory as well for his holiness as for your grace. His holiness said he gladly would do all thing he might by his authority do; and at this point we departed from his holiness for that night.

At another time in communication we took occasion to cause his holiness to shew his mind to the cardinal *Sanctorum Quatuor* for the degradation of priests, accounting that matter, and for the first-fruits of Norwich sped *obiter et aliud agendo*. The making and conceiving whereof we ne do, can, ne shall intend unto such time as we have expedite the king's matter according to your grace's commandment in that behalf.

As touching that your grace willed us to advertise you how

long the process should continue, in case the king's matter should be examined and discussed here; we have by all means possible endeavoured ourself to know without giving any cause to them here of conjecture that we would have it brought hither. And to shew your grace plainly, first we perceive that they would not gladly have it here, as the state of the world is now, the Cesarians not yet purged out of these parties. For all the stop, difficulty, and delay in this matter proceedeth only of fear; which, considering their late calamity and the uncertainty of the war in Naples, seemeth to be such as might *cadere in constantem virum*. We find in every man as great desire to further the king's matter as we can wish, as far as we can gather of their words, fashion, and manner. And in that they assent not to our requests we can impute it to no other thing, but only fear; that if there were anything done *novum et gratiosum* against the emperor's purpose, it should be *materia novæ captivitatis*; if the Spaynards may have any comfort in Naples, whereof they be marvellous uncertain. And although news daily come of the Spaniards' adversity, yet they fear and are glad to retain and not to abandon the emperor's part, the pope's holiness having with them a *nuncius* to entertain them, by him to be advertised of all success. As for length of the process here, where every learned man shall have delay to say his mind, they cannot tell, ne we can get any direct answer therein of them, not willing to be noted any thing to meddle openly against the emperor, or that which he taketh so to stomach, as they know by the answer to the intimation he doth this matter.

fol. 89.

When we speak of celerity to be used in expedition, they devise how speed may be made there; and so the sentence to be remitted hither, to be confirmed. Other answer we can get none. So as all that hath been hitherto spoken by them, that the king's highness should first marry, and such other devices, as we may gather here, were set forth only for that intent, that whatsoever they did, they would not be noted of counsel in the beginning of the matter, or to be privy to any specialty thereof in the commencement. For which cause we are the more earnest in pressing them to grant the Commission after the *first device*, mentioning the specialties of the cause. Which set apart and not required, we are sure to

obtain the second degree of our instructions in the most ample wise, and with great thanks to take it. Howbeit we do not yet relent, but stick still to have the Commission after the first form; grounding ourself upon such reasons as the pope's holiness well perceiveth and right-well alloweth. Nevertheless, the case being changed as it is since our departure, by reason of such publication thereof as the emperor hath made in his answer to the intimation; well considering how the process might be after the best sort deduced and handled, without giving the emperor occasion, and his adherents to bruit abroad, slandering the king's matter, that without extraordinary remedies the king's highness could not attain his purpose; we verily think, in our opinion, that the Commission obtained after the *second degree* shall serve to very good purpose, to ground the process upon, and to be that which shall be openly exhibited and shewn; being also that which they would gladly give us here, with promise to confirm the sentence incontinently, *supplendo omnes defectus tam Juris quam facti*, with all speed and expedition possible. Whereunto according to our instructions, we shall condescend only in such case as we perceive lets to be in obtaining the first. Which, notwithstanding any words spoken unto us by the pope's holiness, we think we shall not obtain to be used and shewed openly, as we require it.

Wherefore, inasmuch as we perceive the lett of granting thereof to be fear, which being so imminent and lately felt, we be in despair to take away, either by words of comfort or other like, as your grace can of your high wisdom consider to be *verisimile*, according to such communication as your grace had unto us the Friday at night before our departing in your chamber at York-place. Pondering also that the effect of the Commission after the first form is only *ut constet de judicio ecclesie* in those articles, for the discharge of them, that shall proceed therein, we have devised, that being without hope of obtaining the Commission absolutely in the first form, we shall desire the pope's holiness to pass it secretly to remain with the king's highness for justification of his matter, *in eventum*, that the confirmation by some chance cannot be obtained, the same to be kept secret, and to be shewn to no man, but only the king's councillors; and to give us, as is promised, a

fol. 90.

general Commission for a legate, as our instructions purporteth. Which first Commission to be kept secret, if we can obtain, as we perceive some lightlywode shall; the said Commission in the first form, shewn to such as have been of contrary opinion, shall and must satisfy them, and be *regula* to them that shall be judges, how to proceed; seeing *rescriptum pontificis* determining the case. And the second Commission to be that whereupon the jurisdiction shall be grounded, to make process in the matter. The said first Commission obtained in secret manner, having none other use but to be seen there privily, shall be *calculus et suffragium pontificis* in the law, and also *pignus suæ voluntatis, et auctoritatis*, that the sentence to be given conformably thereunto shall be confirmed.

In this device we digress not from our instructions. Forasmuch as it is not, ne shall be, set forth unto such time, as by our instructions we should take the general Commission, being in despair of the first and special Commission. At which time, if we can attain the first to be kept privy for the purpose before specified, and *ex abundanti*, having so much more to be used at your pleasure or refused, we think we shall not offend the king's highness and your grace.

The matters being at this point, and so long passed since our arrival here, we thought best hereupon to depech my lord of Rocheford's priest, without tarrying of any other resolution, whether we shall obtain the commission after this *first form* or not. Which if we can attain, we will be most glad; if not, we shall see what we can do for obtaining it to be kept secret; wherein we have some hope. And being in despair thereof, shall, according to our instructions, come to the *second degree*, to have the general Commission. Which we be sure of, and have promise already made unto us, as we have before written unto your grace. From day to day we have ever been in good hope to have sent some resolution of attaining the Commission in the *first form*, and have been in continual disputations every day; trusting to have had such answer as we desired. Whereupon we differred the depech of this post; doing also the same to move and stir the pope's holiness with the more speed to regard our cause *tacite*, by not sending away our post; signifying unto him that we were nothing satisfied with that we heard his holiness say unto us, although

he promised us a Commission general, agreeable to the *second degree* of our instructions.

The prothonotary Gambara resorteth unto us, and soliciteth the king's matter very effectually, as well to the pope's holiness as also other. The bishop Staphileus is not yet come, but they said he will be here within these two days. The pope's holiness is not yet resolved what cardinal he will send, and would, if he might, send none. Nevertheless he saith he will appoint one such as shall be agreeable to the king's desire. The cardinal Campegius is at Rome. *De cujus voluntate non dubitatur*. For the pope's holiness said the said cardinal wrote unto him to give faith to the king's highness' writings and reasons in this matter. It is only feared in him, *ne in itinere laboret podagrâ; cui morbo mirum in modum obnoxius est*; after such sort as he is greatly extenuate therewith, when it cometh. Of whom his holiness will resolve himself we cannot yet tell: the certainty whereof I, Edward Foxe, shall bring with me with the said Commission.

As touching the sending of legates to the princes, and setting forth an abstinence, as your grace wrote unto us by your letters, we can have none other answer of the pope's holiness than we have now written unto your grace. His holiness is *cunctator maximus*. Which quality hath contrary success in his holiness to that it had in *Fabio Maximo; qui rem Romanam cunctando restituit*. In the king's cause his holiness hath taken very great pains; and we think at this hour seeth as far in it, why and wherefore the Commission is desired in the first form, as any other of his assistants; and, as we think, much better. So as whatsoever his holiness shall do therein, he shall never allege *surrepcionem, obrepcionem, fucum, or ignorantiam*.

May it please your grace to signify your pleasure by letters to the Master of the Rolls, how and in what wise we, Steven Gardynier and Edward Foxe, or either of us, returning by France, shall use ourself in repairing to the French court; and how we shall answer the French king, in case he be desirous to know what speed is had here in the king's matter.

We send unto your grace herein inclosed, abstracts of such fol. 91. letters as hath been sent to the pope's holiness, by his *nuncius* resident with Monsieur de Lautreke, containing news of his

proceeding in Naples. It is very certain that the Spaniards have refused battle, and conveyed themselves out of their camp near unto Naples in the night, from the place where they were encamped, within half a mile of the army of Monsieur de Lautrek. In hurts done and taken on either party, there is many times tidings repugnant; and the imperials, in writing, retain their courage that they have lost in fighting. It is also of certainty, which we think hath come to your grace's knowledge, that the citizens in Rome daily slay such Spaniards as they can have knowledge of; not only such as were soldiers, but also such as before dwelt in Rome, and in the direption lost their substance. So as *nullus natione Hispanus ullâ ex parte tutus veniret Romam*. As other things occurreth here worthy advertisement, we shall not fail to signify the same unto your grace. Praying Almighty God long to preserve your grace in good health and prosperity, with much increase of honour and felicity.

From Orviet, the last day of March.

Postscripta. As we were finishing these letters I, sir Gregory, was sent for to the pope's holiness; who, forasmuch as he hath no better resolution from the French king concerning the restitution of Ravenna and Cervia, verily persuading himself that the Venecians, were not that they had some comfort of the French king, would not have differred contrary to their promise made to the king's highness and your grace, the restitution of the said cities, so long as they have done. Thinking therefore that the letters sent from the king's highness and your grace in that matter shall nothing prevail, saith he is in total desperation, and perceiveth himself deluded of all parties. And since he cannot hope of remedy at their hands that call themselves friends, he shall be necessitate to give himself to them that be noted enemies; and sooner to suffer *ruinam totius Italiæ*, than his holiness and the church *sic ludibrio exponi ab istis*, meaning the Venetians, *de quibus tam bene meritus est*. The pope's holiness thinketh not that any thing is done by the French king herein for any ill mind he beareth to his holiness, *sed ex nimio affectu in Venetos*, more esteeming them than is convenient. Who so little regarded so many promises, made by the orators to the king's highness, the French king, your grace and my lady, in such a matter, as without

manifest injury cannot be differred a day. His holiness is the more perplexed and troubled, for that Ariminum, delivered unto him by Monsieur de Lautreke, is now taken again by him that had occupied it before, and was put out by Monsieur de Lautreke; which giveth cause of suspicion unto him, and clearly discomforteth him in his mind and opinion. Wherefore if your grace by good ways and means do not with the French king and Venetians so order his matter as effect may ensue, his holiness is so far fallen in his own conceit, as it shall not lie in any man's power here by his counsel to uphold him, but that he shall precipitate himself into his enemies' dedition, to the total ruin of all Italy, and hindrance of the common affairs.

Number LI.

A letter in Gardiner's hand, from Gardiner, Foxe, and sir Gregory Cassali to Wolsey, detailing their negociations with the pope from the first of April, 1528.

Record
Office, and
Harl. 419.
fol. 92.

PLEASETH it your grace to understand, that after depech of my lord of Rocheford's priest, who departed hence the first day of April, I, with master Fox and sir Gregory, repaired that day to the pope's holiness. Shewing unto the same, how upon comfort of such words as his holiness had spoken unto us, and such good inclination, as we perceived in the same, to do all things that might be to the king's good contentation and your grace's; we had depeched our post with letters signifying his holiness' good mind, and that we looked for short expedition, to the satisfaction of the king's highness and your grace. The specialties thereof to be sent by Master Fox, who, whatsoever answer shall be given, must return shortly. Wherefore I desired his holiness to resolve himself without delay or difficulty, saying, that *bis dat qui cito dat; et aliquid dare videtur, qui cito negat*. His holiness said that this matter consisted in the knowledge of the law, whereof he is ignorant, and must needs therefore depend upon the resolution of them which be learned in that faculty, with whom he hath counselled, and cannot as yet get any certain answer of them, although his holiness hath, and continually doth desire them with speed to condescend to one opinion or other, and to shew their sentence in these articles, whether in their opinions the causes whereupon the matrimony should be declared nought, and the dispensation void, be sufficient in the law or not. Which done, he would reject all styles and ceremonies, and would do all things not contrary to justice.

I said that as for the knowledge of the justness of the causes, I verily trusted his holiness would give credence to the king's books, and your grace's relation of the opinions of learned men in those parties. His holiness said that the thing being such as should not come *in judicium Orbis*, he would so

do, and doubteth not but that the king's highness and your grace see very good matter and substantial why the said matrimony should be dissolved. Nevertheless hereafter *re deductâ in ora omnium*, it should be said, *quod quanquam ut bonus Vir serenissimo Regi, de cujus conscientia non dubitat*; and to your grace's relation, whom his holiness knoweth well will not, for any respect, *aberrare a vero, fidem habuerit*; *tamen non ut bonus Pontifex et Judex communis, qui de alienis factis cognoscens, non ipsos eosdem adhibere debeat consultores*. He said it is both true, whereof he is sorry and ashamed, and also notorye that his holiness hath no learning in the law; which when the Commission came *in publicum*, as it must needs do, by reason a copy thereof shall be given to the queen, and so consequently to the emperor's hands, should argue him either manifest *temerarium*, to the slander of the church, doing it without counsel of other, or else *nimis credulum Judicem*, to be persuaded by the parties' sayings only, without hearing anything replied on the other side. And added thereunto, that they of the Court here, being learned men in the law, whose counsels the popes heretofore have most commonly adhibite and followed, would hereafter most sonnes study to reprove and confute that which is or shall be done; and though the same were well done to the passing whereof hath not been required their judgment and advice. Wherefore if he could have the opinion of them here he would make no further tract; saying, that of the truth of the matter he was persuaded by the king's and your grace's relation.

And as touching the publishing of the same after this manner and calling it truth *aliis*, with decree to be given thereupon by his authority as the Commission purporteth, he would gladly do it, having any comfort of these men so to do. Who if they say their opinions therein, it shall evermore from henceforth study for the defence thereof, and justify his doing in this behalf.

Hereunto I said that it should be somewhat alien and discrepant from the expectation of the king's highness and your grace to understand by our letters this answer; which conferred with such words as have been spoken in divers communications before, seemeth evidently to declare these ways

and means be to excogitate to colour the denial of the king's purpose, which shall be *duplici nomine ingratum*. First, *Ob negatam tam justam petitionem*. Secondly, *Ob moram et dilacionem*. Of which two may arise such suspicion as your grace would be loth should enter into the king's breast. And thus began to repeat such words of comfort as the pope's holiness had spoken unto us at sundry times, which we have reported to your grace by our former letters.

fol. 2.

And where his holiness putteth so much doubt of men's sayings and judgments, having regard and respect what men's opinions shall be of him for giving credence to the parties, I said, that in a matter of truth, as this is, having so evident and manifest reasons for confirmation thereof, all such scruples were removed. And it should [not] be considered who said it, but what was said, *et veritatis luce proferente sese, veluti ad solis conspectum nebulas, obscuras istas calumnias evanescere*. Wherefore inasmuch as the king's matter there is affirmed to be just, and that they here only doubt without determining the same to be unjust; with that also, that his holiness as he protested, giveth privately credence to the king's reasons and your grace's relation and judgment, it shall be thought of itself sufficient matter and justifiable; so as his holiness not so taking it, and doing thereafter, no words can be spoken of his mouth so earnestly and effectually as may be able to counterpoise his deed, but that the same shall *ad suspicionem minus sinceræ mentis colligendam præponderare*. Desiring his holiness therefore that he would have good respect thereunto, and *prætervolantem occasionem sistere et retinere*; maintaining your grace's labour and study in retaining the king's highness' devotion towards the see Apostolic, and not putting things in such condition as they should not be recoverable by no means hereafter; saying, Now is the time in which doing that of duty and justice he ought to do, his holiness might acquire an inestimable treasure of the king's good mind for recovery of the authority of the See Apostolic, with maintenance of the same. His holiness said that he would do the best he could; and forasmuch as it was shewed him that bishop Staphileus was within a day's journey, he would tarry his coming, and hear what he could say, and so without other resolution departed for that time.

The same night arrived Staphileus. And on the morrow we repaired to his lodging, shewing unto him all we had done and in what point the matter stood; declaring unto him also what our petition was, and in what form the Commission was devised, with commandment by instructions in no wise to digress from the same; desiring him finally according to the king's highness' and your grace's expectation he would, as much as he possibly might, set forth the same. He said, first, that he was very sorry he could not come sooner, as he desired, and now he was come he would not fail to do the best he could. Nevertheless, where I said that the Commission should be directed to your grace alone, or jointly to you and another legate, he said that was not in his instructions, but expressly the contrary; referring himself not to his writing, but to words spoken, as he said, by the king's highness at the More that evening he was there with the king's highness and your grace. At which time, as he saith, the king's highness said that the queen might and would refuse your grace; and therefore it should be well done your grace meddled not as judge in the matter. From this opinion we could not bring him a good while, till at the last he said he would conform himself to our instructions. This was the effect of our communication with him for that time.

And because the said Staphileus is here as the French king's orator, for declaration of such charge as he had to be shewed from the French king, he repaired to the pope's holiness twice without us. Advertising your grace that I, fol. 3. sir Gregory, being with the pope's holiness secretly in the evening next following, his holiness shewed me, *sub secreto*, all that the said Staphileus had said unto him concerning the king's matter; which was in effect that he thought the cause good. And the pope's holiness marvelling *de formâ Commissionis*, the said Staphile should answer that he was never privy thereunto, but was only instructed that a *general Commission* should be given to a legate to be sent hence; and that the king's highness would your grace should not be judge by reason the queen might refuse your grace as suspect.

When Staphileus had spoken with the pope's holiness he then repaired unto us, and shewed us how much he had moved the pope's holiness in our matter, and that we should

by his means have short expedition, with such like words; nevertheless, rounding us in the ear, he said it was not to be sticked at for obtaining the Commission Decretal; inasmuch as by a general Commission the king might have his purpose, the sentence to be given there shortly, and so afterward to be confirmed here; saying, That by his dexterity he would in such wise handle the matter as the pope at his suit should shortly grant thereunto. We, dissembling knowledge of any thing by him spoken to the pope's holiness, said we had without him obtained grant of such a Commission, with secret promise of confirmation; and had ordered the matter in such sort as it was on their part offered us; and we by them desired to take it. Howbeit, forasmuch as by our instructions we might not accept it, we therefore do still persist in requiring the first, wherein we desired his help and furtherance. He said he would do the best he could.

The Friday before Palm Sunday the pope's holiness appointed *Solemnem Consessum* of the cardinals *De Monte* and *Sanctorum Quatuor*, Staphileus, us, and the dean of the Rote, to dispute and reason upon the king's matter. At which time we convened in the pope's little chamber, being then present at the same disputation an auditor of the Rote called Paulus, and the prothonotary Gambara. After every man was placed, the bishop Staphileus had a long oration, containing his whole book, and the reasons of the same; which lasted two hours. When he had spoken, the cardinal *Sanctorum Quatuor* began, and somewhat contraried Staphileus; repeating summarily what he had said, and inferring such reasons as seemed to make to the contrary. Whereunto Staphileus answered,—*Et jam incaluerat Disputacio*. After they had reasoned a good while, I desired of the pope's holiness that I might be heard to say somewhat to such reasons as the cardinal *Sanctorum Quatuor* had spoken, which were very frivolous, and seemed to be *quæsitæ studio, ne deesset quod contradiceretur*. His holiness willed me to speak, and so did reply to the cardinal *Sanctorum Quatuor*; who then remitted his reasons to the dean of the Rote, from whom he had them. And so the dean of the Rote and I examined certain of those reasons, and tried of what strength they were so plainly, as the pope's holiness well perceived it, and how they wayed.

And forasmuch as after long altercation I perceived that they had no substantial reasons, and yet, saying they doubted, would not *cedere*; but when they were brought to a stay, evermore for a solution desired us to be content with a Commission in a general form, and after sentence given, the same to be confirmed here. I, *habita præfatione*, desired the pope's holiness, the cardinals, and the other learned men there, to note and ponder such words as I should say of duty and observance towards the See Apostolic; necessarily to be considered and regarded for conservation of the authority of the same, which were these. That inasmuch as now the king's matter hath been by them heard and debated to know the justice of the same, unless there be another resolution taken than I perceive they intend to make, hereupon shall be gathered a marvellous opinion of your holiness, this college, and the authority of this See. For the king's highness and nobles of that realm who shall be made privy hereunto, shall needs think that either *Sanctitas vestra, hii Reverendissimi Domini et doctissimi viri certum in hac causâ respondere aut nolunt, aut non possunt. Si nolunt, inquit, nec dignantur erranti monstrare viam, cujus curam a Deo commissam habent; atque adeo tanto principi, tam bene merito; denique quod ultro et gratis facere debeant, non faciunt, tot beneficiis provocati. O! simul et ingratissimum hominum genus, et muneris sui negligentissimum. Imo, qui simplices esse debeant sicut columbæ, apertoque pectore, pleni omni dolo et versutiâ et dissimulatione. Verbis omnia pollicentur, reipsâ nihil præstant. Itaque siquid ista moveant animos vestros, iterum atque iterum petimus, efflagitamusque, ut si causa Serenissimi Regis nostri justa vobis videatur et bona, fiat quod pollicitum est nobis, ut talis judicetur. Sin mala videatur et iniqua, efficite quantum potestis, ut ne is princeps, quem tantum patronum confitemini, in eâ re versetur diutius, aut longius progrediatur, in quâ ex animi vestri judicio aut honor aut animæ salus periclitetur. Nolite deesse ei vestris consiliis, qui vobis semper adfuit tum consilio, tum ope, tum auctoritate. Neque enim postulamus aliud a vobis quam justiciam, quam ita amplexatur et colit Serenissimus Rex noster, ut quicquid sinistre suspicentur alii, illam omnino sive pro matrimonio, sive contra matrimonium, steterit, id* fol. 5.

quod et vobis et Orbi testatum vult sua Majestas, animo lubentissimo sit sequuturus. Quod si Regia Majestas, et nobiles alii de voluntate vestrá persuasi, an certum respondere possitis dubitabunt, quod necesse est faciant, quum aut nolle vos, aut non posse sit certissimum, animos sane subibit durior de hác sede cogitacio; Clavem viz. Scientiæ abstulisse Deum, atque adeo explosa hactenus quorundam sententia incipiet non displicere, digna esse quæ mendantur flammis Pontificia jura, quæ ipso etiam Pontifici et suis sunt incertissima. Tristissimum quidem durissimumque est id opinari aliquos, non posse vos nodum hujus causæ explicare, quem ex rationibus serenissimi Regis cernitis dissolutum. Gravius vero illud est, si cum potestis, non vultis, et tum non vultis quum sententia vestra, quæcunque sit, modo sit certa, favorem ejus principis promereatur, qui jam olim de vobis, quod non diffitemini, summa quæque et plusquam omnia, promeritus sit.

These were my words, to the intent I might cause them to openly assent unto us, *et extorquere illam simulatam hæsitacionem, et affectatam dubitacionem*, having no good colour of maintenance. Nevertheless, as we afterward perceived, such appointment was taken, that they should always doubt; so as to my words thus spoken no man answered. But as it is accustomed amongst friends to move them to an indifferent way by compromise; so they desired us to take a mean way, and to be content with a general Commission. When I perceived that they ever sang that song, and could by no means be brought from it, I said unto the pope's holiness plainly, that by this covert dealing, and motions made to the general Commission, I could perceive none other thing meant, but that every man would hereafter pretend ignorance in the matter, and would keep themselves at liberty to resolve their doubt for his part hereafter, that shall have the better hand. *Et si Cæsar vicerit*, then they might with their honesties lean to him. Howbeit, I desired his holiness to ponder well this matter. For albeit, before the cause was in all circumstances disclosed and opened unto them, such pretence would have had some lightliwode, yet now, all the matter declared and ventilate, and their sentence *in hanc aut illam partem* required, they persuading us to take a general Commission, with

promise that the sentence to be given *contra matrimonium*, shall be confirmed; *Quod verbis vel nolunt, vel non audent, vel quâcunque ratione non faciant, reipsâ fatentur, viz. causam videri ipsis bonam et justam, aut se famæ suæ prodigos, propriæque salutis immemores ostendunt, ut causæ quam putent malam, in judicio tentando velint esse authores.*

These words were patiently heard of all parties, but nothing fol. 6. answered to them directly; and so the day being then spent, the pope's holiness did arise; unto whom we said secretly, that his holiness might well consider to what part justice inclined; and that these men can shew no matter substantial to impugn that the king's highness had written. His holiness said that he was not learned, and to say the truth, albeit it were a saying in the law that *Pontifex habet omnia jura in scrinio pectoris*, yet God never gave unto him the key to open *illud scrinium*. Howbeit, his holiness said he would after our departure know the opinions of the cardinals and auditors to what point we should rest. And so his holiness did, and shewed unto me, sir Gregory, afterward, that they would advise him in no wise to grant the Commission after the first form.

On the morrow we returned unto the pope's holiness and spake roundly unto him, as our instructions purporteth; and to that point that the king's highness would do it without him. His holiness said he would it were done; and to the other words nothing but sighed and wiped his eyes, saying, that in a matter *in quâ vertitur jus tercii* he could do nothing without the counsel of them, and wished that it were in his power to give the king's highness somewhat depending only of his own particular hurt or damage, without touching any other man's right, with such like words, nothing sounding to the furtherance; but found ourself in utter desperation. Wherefore we saw no remedy but to resort to the second degree, which was afterward set forth by me, sir Gregory. Who, as it was agreed, speaking familiarly with the pope's holiness, said, as of myself, that I would know of my colleagues whether they will be content to take a general Commission, so his holiness pass in secret manner the Decretal Commission; the same not to come *in publicum*, but in case your holiness do not confirm the sentence, and else to be kept secret. Whereunto his holiness answered that it were well done to move us

of it; and he himself would in the mean time consider that matter.

Upon Palm Sunday we went again to the pope's holiness and had communication of these Commissions; and as concerning the passing of the Commission Decretal in secret manner, his holiness said he had resolved himself *hoc dilemmate. Si juste fieri potest, debet fieri publice, si non posset fieri juste, dedecori maximo foret, et interim agitaret conscienciam, fecisse secreta.* To that I said, *Quia justum est, ideo deberet fieri publice; sed quia metus Cæsaris facit ne fiat publice, fiat sine metu secreta.* Which if his holiness will do, we have some hope that your grace by your dexterity shall so handle it as the same shall be taken in good part of the king's highness, and do as good stead for entertaining his grace's benevolent and good mind towards this See, as though the said Commission were passed to be shewed *publice*. Hereunto we could get none answer; but so departed. Assuring your grace that the pope's holiness although he perceiveth better and sooner all that is spoken than any other, yet to give an answer yea or nay, *nunquam vidi tam tardum.*

The same night after we were departed from the pope we sent for Simonetta, dean of the Rote, like as we did sundry times before; forasmuch as he had no lodging where we might repair unto him. And when he came unto us, first we gave him thanks for his labours taken in this matter, and said, albeit they were not so fruitful as we looked for, yet men pay *pro culturâ agri, etiam si segetem non ferat*, and so should the king's highness for his labours and pains. Upon which words and such like we entered communication of the king's matter. And briefly to shew unto your grace the effect of that conference. Forasmuch as heretofore the said Simonetta at sundry times had much extolled the king's goodness and benefits towards this see, and that therefore he accounted himself obliged to do all he possibly might for the king's highness, we desired him, that setting apart *personam consultoris, et induendo personam boni amici, qui causam amici ducit suam*, he would shew us his opinion in the king's matter; saying, that since we were at a point, not to stick any further in the first Commission, he needed not to fear, but might speak *libere* his mind and opinion.

Hereunto he made answer, That the fact which is alleged, with the circumstances proved there, the causes were in his opinion great and just. We said we would signify his opinion to the king's highness and your grace. And although that part is had there *pro comperto*, yet his opinion should well confirm that persuasion; saying, we had none other matter unto him but to know his mind as afore, and to give him thanks. Then we familiarly asked him why he did not say so to the pope's holiness? Hereunto he could give no direct answer; but said it was better to keep the common course than to have such a Commission as we desired; and so put off communication of that matter. These words the said Simonetta had with master Fox and me, Steven Gardiner; and afterward before me, sir Gregory, and us together affirmed the same.

Then he departing from us, I, Steven Gardiner, intended to the devising of a general Commission for a legate, with such clauses as be contained in our instructions, like as your grace shall perceive by the minute which master Fox bringeth with him, with annotations in the margin, containing the considerations of every clause. fol. 8.

Hitherto in our first letters and these we have in our writings done as they do, *qui dum comedunt, præsentem sibi saporem probant, quem in concoctione molestum improbare coguntur. Hactenus verba optima et dulcissima*, and specially for granting the general Commission, which in execution when it cometh to the point, we find *effectu amara*. Heretofore it was said unto us the Commission should be of our devising, now when we had made it, *Omnes inierunt consilium, ut caperent, in sermone, ut verbis optimis struant calumnias, et syncerissimo sensu scripta pervertant*, as I shall briefly note, and master Fox can more amply shew unto your grace.

First we shewed the Commission by us devised to Simonet, as the pope's holiness appointed us to do. For in these causes his holiness would of himself do nothing, for anything we could do. Simonet, when he had read the Commission, he said he thought the matter good, saving in the latter end. But it was, he said, *nimis facunda et ornata*. We said that *salvd rerum substanciâ*, we regarded not the words.

The next day we went to the cardinal *Sanctorum Quatuor*, who, by relation of the said Simonet, had heard of our Commission and the tenor thereof; and therefore shewing us what he understood of our Commission by Simonet, answering, or he had heard it read, that it could not be granted; said that the sick man, shewing his disease to the physician, doth not himself proportion the medicine, but taketh it after the physician's discretion. Hereunto I said that the sickness and the physician be many times of such qualities as the sick man's advice may much help the physician; specially when the sick man knoweth his own disease, and hath any learning or knowledge in physic. Which concur in this case; the disease also being of such sort as the same is curable many ways; and so read unto him the Commission by us devised. The cardinal *Sanctorum Quatuor*, saying that the beginning pleased him not, returned to read unto us that he had sent by master Secretary, and after a little alteration upon both Commissions, said that it was ordered by the pope's holiness that we should go to the cardinal *De Monte*. And so we did, assembling there for that, the cardinal *Sanctorum Quatuor*, Simonet, and Gambara. Where eftsones we read the Commission, which done, without any disputation, they desired us to depart; saying that they would apart consult upon certain articles, and not alter very many things, but do so as we should have cause to be contented. We desired them to determine their pleasures shortly, for master Fox must needs depart, and Easter approached, *et dies ceremoniales*, when nothing could be expedite. They said they would send for us again that night.

fol. 9.

All that afternoon and the next day till it was night, we could not by any means possible know what they had done, and so went now to the pope, from the pope to them; and finally sent for Simonet, and desired him to shew what was done. He said that he was sworn he should shew us nothing.

Upon Tuesday after Palm Sunday about two hours before night we went to the pope's holiness, who then shewed *a minute of a Commission* by them reformed and subscribed with their hands. Wherein when we saw the additions, detractions, and corrections, I began to lay to the pope's charge his

promise made concerning this Commission, and shewed what doubleness might be noted in this dealing; and that his holiness having mind to delude and delay us, had chosen these men as instruments, with as sore words as I could devise; saying that first his holiness protested he would regard no style, so justice would bear the cause; and now we passed disputation of justice, we find the same difficulty in the style. His holiness said that he must needs use other men's counsels, and such other words. Howbeit, finally condescended to this point, that if Simonet would say the minute after our devising was nothing contrary to justice, we should have it; and his holiness would fulfil his promise in the style. Hereupon Simonetta was sent for, but he would nothing answer directly or resolutely, *absentibus cardinalibus et illis inconsultis*; and it was then two hours within night. There we fell in reasoning with Simonet, *et incalescente disputatione* trusting by importunity to have obtained our purpose, tarried with the pope's holiness five hours within night. Which after the counting of the clock there was one of the clock after midnight; at which time we departed with none other resolution but that the day following before dinner we should have a certain answer whereunto to rest.

That day following, which was Wednesday, two hours before dinner time, and before the pope's holiness had heard ^{fol. 10.} his mass, we repaired to his presence, bringing with us books of the law for justifying such places of our Commission as they had noted, and added somewhat unto them, *pertinens ad suggillationem, tum honoris futurorum judicum, tum etiam fidei nostræ*, being at that time with the pope's holiness the cardinals *De Monte* and *Sanctorum Quatuor*, and also Simonetta. And so entered a new disputation; in which, *libro judice*, it was shewed unto the pope's holiness, *quod calumniabantur, et quod optime posita, sine ratione corrigebant*. At the last they began *amice* to look upon and read with us the Commission, and to correct it by consent; saving in certain points, as more plainly appeareth in the corrections, and so departed from the pope's holiness for that time, being then two of the clock at afternoon, with promise that against night we should have the minute clearly finished to our good contentment.

The same evening we repaired again to the pope's holiness,

and then finding our minute altered from that was agreed on before, began a new disputation with Simonet, the cardinals being absent. And at last we differed but in two words in the whole Commission; as the sign universal, *omnem*, to be added to *potestatem*; and the word *volente*, to the clause *volente aut impedito*. Hereunto Simonetta would nothing answer without the advice of the cardinals. Wherefore the night being then far past, the pope's holiness willed him and Gambarara to go to the cardinals' houses to ask them their opinions upon these words, and so they did. The cardinals sent word that they were making collation, and on the morrow would look their books therein.

Here began a new tragedy. We complained that we were deluded and scorned, and told the pope's holiness this is not the way to entertain the favour of princes, *et vinum conspurcat infusa aqua*. Hereupon I declared evidently and manifestly unto his holiness that these men have nothing done in correcting the Commission, of learning, but only of ignorance and suspicion, *putantes sub omni verbo latere scorpionem*; far discrepant to their former words unto us. Howbeit, we take all this as done by his holiness' commandment, *qui oculos habet, et non videt*. And if his holiness be not in this matter *obnoxius delicto*, yet as the law sayeth, *Quod operâ utatur talium hominum*, he is *obnoxius ex quasi delicto*, and must bear the blame of their doing. And hereupon I began, as in the king's name and your grace's, *expostulare cum Gambardâ*, to procure this contumely, and to put the king's highness and your grace by good words in comfort to send orators, and when they be here, first to go about *inebriare bonis verbis, et dulcibus sirenum vocibus incantare*. Second, *conari circumvenire per suos*; meaning that they had moved Staphileus to be content with a general Commission. Thirdly, as men make hawks to the fist, *prætendere pugno carnem, et inhiantes, ac sequentes semper ludificare*.

Gambarara for his defence said that he spake no words of comfort to the king's highness ne your grace but such as he had in commission to say. I then, *converso sermone ad Papam*, said that his holiness handled the king's highness as though he had been the most ingrate man, and of mean sort, that could be minding in his requests to requite the same.

The said holiness said nothing, but sithed and wiped his eyes; and thereupon Staphileus, turning himself to us, said that he took it as God's will that we should come after him, or else the difficulty here should not have been believed. I said that I thought it God's will indeed, to the intent that, relation made by us of what condition men be here towards them, *qui optima promeruerunt*, the favour of that prince who now only favoureth them should be withdrawn and taken away, *ut inclinata jam sedes Apostolica tota corrueret, communi consensu atque applausu omnium*. At these words the pope's holiness, casting his arms abroad, bade us put in the words we varied for, and therewith walked up and down the chamber, casting now and then his arms abroad, we standing in great silence. And within a while his holiness, *compositis affectibus*, said unto us that he was very sorry he could not satisfy the king's highness' desire of himself, without the counsel of other. I answered that I was sorry to see his holiness had not so much confidence in the king's highness and your grace as was supposed he had. Thus we departed for that time, being an hour past midnight.

These divers tempests passed over, as master Fox can more particularly shew unto your grace, after the Commissions were written and sealed, we resorted eftsones to the pope's holiness, and, being with him the foresaid cardinals, all things were convened and spoken after a friendly and loving manner on their part, with rehearsal of the king's benefits and your grace's merits, and how glad they would be this matter were brought to conclusion after the king's desire; we always answering that we thought this Commission should not satisfy the king's highness and your grace. Nevertheless, we being *infima membra ecclesie* would, *salvâ fide*, make such relation fol. 12. and temper it so, as might further the acceptation of this Commission. They desired us so to do, and to omit and forget such altercations as had chanced. Finally, his holiness desired us to say and write to the king's highness and your grace that *rebus stantibus ut nunc sunt*, the sending of this Commission is a declaration against the emperor, and that he committeth himself to your protection.

As yet the pope's holiness hath not required the king's pollicitation; and I do not offer it, abiding answer from your

grace to such letters as we wrote from Parys to your grace concerning the same; and till I shall understand how this Commission contenteth your grace, being in my judgment as good as can be devised. And although it be not in all points so open as I would have had it, and did conceive the same, yet in effect it hath all can be desired, except the clauses of *confirmation* and *revocation*; which, of what moment they be, I have written mine opinion to your grace, and noted, *in margine* of the Commissions by them granted and asked by us, the considerations of every clause and word material.

Here is no cardinal, besides Campegius, meet in all qualities *obire hanc legationem*, but that either age or some other circumstance, expressed particularly by the letters of me, sir Gregory, to your grace heretofore⁵⁶. Wherefore he failing, there is no hope of any other. And to know his mind, I, Steven Gardyner, repair now to Rome.

The Commissions *in omnem eventum* be directed to your grace and the said Campegius, and to your grace alone *adjuncto*, &c. Which Commissions, although they be not written in so fresh hand as they by our mind should have been, yet they be to be taken in good part, being here so few writers; and none that can skill, but one who hath written these Commissions and Dispensation twice, and at the last skaped *sine aliquâ mendâ in notabili loco*.

As touching the sending of letters to the queen, inasmuch as the Commission Decretal doth not pass, the same letters cannot contain all specialties of the matter. But in our judgment the pope's holiness hath devised a good way, to send a friar with a breve of credence, and so to shew her what he thinketh. Wherein I beseech your grace I may shortly know your pleasure, and also for deliverance of the king's pollicitation, with your grace's mind also, whether we shall now give any rewards to them that have taken pains, as Simonetta and other, the Commission passed in this form; with knowledge of your grace's pleasure also for my return, in case cardinal Campegius cannot by reason of any disease shortly come.

⁵⁶ In the MS. the page ends here, and it is manifest that something has been omitted. The Harleian copy is exactly the same, both here and throughout this letter.

We have moved the pope's holiness as touching the canon- fol. 13.
ization of king Henry VI; who answereth, that he is very well content to make short process therein; but the matter must be examined here, requiring a number of cardinals thereat, with other ceremonies; which cannot be done there. Wherefore if my lord of Caunterbury and my lord of Winchester, who have examined the matter *in partibus*, do send the process hither, as their commission required, the sentence of canonization shall shortly pass here.

As concerning pardon to be granted to Windesore college, we can do nothing, abiding certainty from your grace of the name of that college, and how it is incorporate, *ne quid in eâ re erretur*.

I spake to the pope's holiness *in genere* for the matters of your grace's college, saying, that writing to your grace I would needs speak somewhat thereof. His holiness bade me write, that all things should pass which I could reasonably desire. All other specialties, master Fox shall declare them unto your grace. For which cause I omit to write, being by reason of crying, speaking, chafing and writing, ill distempered. Trust that your grace will have consideration thereof, and accept this rude letter in good part, written by night, and both minute and letter with mine own hand. Praying Almighty God long to preserve your good grace.

At Orviet, the Monday in Easter week.

Your gracc's most humble servant,

and daily bedeman,

Steven Gardyner,

humillimus servitor,

Gregorius Casalius.

To my lord legate's good grace.

⁵⁵ This letter, which has been corrected from the copy in the State Paper Office, is in Gardiner's hand, except the Latin passage, which is in that of Cassali (?).

Number LII.

Copy of a letter from Gardiner and sir Gregory Cassali, ambassadors with the pope, to Wolsey; written early in May, 1528.

Harl. 419.
fol. 101.

PLEASETH it your grace to understand, that the pope's holiness, understanding that the emperor hath, in answer to the king's intimation, made mention of the king's matter, taking the same to stomach and heart, sayeth, that by granting this Commission, denial of inhibitions, which shall be required with the confirmation of the sentence, which must be passed by him, he thinketh verily that the emperor shall take it more displeasantly than if his holiness had declared himself specially; considering the general being advertised of our suit hereof, hath freshly made suit to the contrary. By reason whereof his holiness findeth himself in a marvellous perplexity and confusion among them of the league, putting his only hope in the king's highness and your grace, *in quorum verbo laxat rete*. For the Venecians, Florentynes, and the Duke of Ferrare, *convenerunt in unum*, as it is said, *novo fœdere inito, et super vestem suam miserunt sortem*. The French king deferreth either to do or promise any thing; and his holiness, advertised out of France how the French king nothing effectually speaketh in his just cause, is in total desperation of attaining any thing at his hand unless it be at the instant request of the king's highness and your grace's persuasions and reasons. For his holiness saith, he knoweth well that if the French king had earnestly meant that the Venecians should restore the cities of Ravenna and Servia, and had in such sort pressed the Venecians so to do, the said cities had been restored long or this time. Like as certain of the seignory of Veneyse have signified to his holiness, advertising him that the great master hath taken the conducting of that matter with the French king, thinking him to be only the lett that other resolution is not taken in the French court.

The pope's holiness willed us also to advertise your grace

that the French king daily calleth upon him to declare himself. On the other side, Monsieur de Lautrek sendeth him word, that if his holiness do not declare himself, he will take him as enemy.

Among all which requests nothing certain is proponed unto him upon what conditions he should declare himself; but would that, *sub spiritu charitatis* on their part, his holiness defrauded of his cities, he should enter the same league, *quasi pactis servatis*, the same cities neither restored indeed, nor promise made of their restitution. His holiness thinketh that of good equity, if they think he ought, as a confederate of the league, declare himself, they should at the least offer him promise and make him sure to have that is his own, when he hath so done. But thereof he can hear no word; ne any thing is touched whereunto his holiness should trust; saying, that in this confusion things shall proceed, unless your grace, after your accustomed dexterity, enterprize the direction thereof with the French king and his counsel; appointing by capitulation what the pope's holiness shall do, and what the same shall trust unto therefore. For where it is daily required, that upon declaration made, his holiness should proceed to the deprivation of the emperor, as well of his empire, as also the realm of Naples, his holiness thinketh that *ista non sunt præcipitanda*, but *maximâ providentiâ transigenda*, as well *in modo rei* as also *in re*.

First, *in modo rei*, his holiness is of opinion that process made of deprivation after hostility declared, should not have *tantum ponderis*, as if the same were done by him, interponing himself as *mediatorem pacis*; and upon that ground finding the emperor obstinate to make process of deprivation; which should be justifiable in the law. Whereas else *factâ declaratione ex ligâ*, all his process might be impugned, *quasi ab hoste factus*. Wherein he will be advised by your grace.

Second, *in re et ipso imperio et regno Neapolitano*. What shall be done with them, *Cæsare privato*? For his holiness should *privare Cæsarem*; and the French king have in mind, for the recovery of his children, to help the emperor to them again, either *belli nullus esset finis*, or else his holiness must *desultoriâ levitate privare et restituere*, at the pleasure of the French king. Whereof should ensue *maximum odium eccle-*

fol. 102.

sia ; et ejus postea auctoritas in ed re vilipenderetur. Appareret enim non ob justiciam factum sed gratiam. And in case the French king determine to make none offer of them, yet it were to be foreseen before sentence of deprivation, who were most meet to be chosen ; and that thing concluded, both the princes to solicit the same, and the pope's holiness to concur therein, *ut electio talis procuretur* ; lest there fall such another error as was in the election ; wherein the pope's holiness thinketh that he shall have at his devotion four of electors. Like deliberation is to be had also for the realm of Naples ; and that the person to whom the said realm of Naples shall be given, be first agreed upon by both princes. Which things by your grace's great wisdom foreseen, maturely digested, and by certain capitulation agreed and condescended unto by both princes, there shall be a ground whereupon to work in so great a matter. Or else that failing, *videbitur similis homini, qui ædificavit supra harenam.*

The matters, although they be of great importance, yet as hitherto *soli lenitati nituntur, et gravitatem consiliorum vestrorum abesse intelligit.* For if the French king would have the emperor deprived, it agreeth not with that request to lett the going of the bishop of Pistoye, who as yet can get no safe conduct.

His holiness saith, that by letters dated the 30th day of the last month, sent from the cardinal Salviatis, resident in the French court, is advertised of the coming of the Vicecounte de Turena towards his holiness from the French court ; having in commission, but only *verba bona*, such as were given to the prothonotary Gambara ; and how that the French king hath sent one to Veneyse for the pope's matter, without any special request to be made unto them, but only in general terms. Which the Venecians, unless they have the same effectual words spoken, or written unto them from the French king, which they have from the king's highness, it is to be thought no effect shall ensue. And the matters of Italye, being in such case as they be, and Monsieur de Lawtrek so prospering, the pope's holiness thinketh that the French king might, without fear, speak roundly to the Venetians, which they would much regard. The said cardinal said also in his letters, that my lord of Bath shewed him that he had nothing to speak in

the pope's matters for Ravenna and Cervia, until such time as answer were come of the king's letters, sent to Veneise; whereunto as yet no answer is made, although the same were delivered twelve days past. And by such letters as I, sir Gregory, have received thence, it is to be judged and thought it shall be contrary to the pope's purpose. The pope's holiness desireth us to write the premisses to your grace, saying, that for ordering them as your grace shall think good for his comfort and relief, *ad vestram prudentiam confugit, tanquam ad sacram aram.*

It hath been written to the prothonotary Gambara, that Monsieur Morett, at his being in Englande, should have said unto the king's highness and your grace, how the said prothonotary, at his being with the French king, should have much pressed him for Modena and Regium. Which, forasmuch as your grace required him to the contrary, he would be loth should be persuaded unto your grace; and specially considering the same is not true. The said prothonotary desired to write unto your grace thereof, and to notify unto the same that after one denial made by the French king, *converso ad alia sermone*, he spake no more thereof.

Furthermore, forasmuch as the pope's holiness is desirous to have a nuncius resident with the king's highness, the same to be such a personage and of such qualities as might be grate and accepted of his majesty and your grace, his holiness desireth the same to signify your grace's opinion and mind in that behalf; so as according thereunto he may provide one accordingly.

This day the pope's holiness shewed us letters, sent unto the same from Jeane, the copy whereof we send unto your grace herewith; willing us to write, that his holiness thinketh the news from thence to be of such importance, as unless good order be taken, it is to be feared lest the French king shall lose both the devotion of that city, and also such sums of money as they have offered, and by good dexterity might have been induced to pay; whereof I, sir Gregory, wrote unto your grace by my former letters. Wherefore the pope's holiness thinketh, that if your grace take pains in composing that matter, it shall much help the common cause. Whereas else *nova mutacio illius status contra sentenciam regis*

Gallorum, might greatly encourage the enemies, like as your grace of your wisdom can consider.

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Thus having none other matter of importance to write, besides the news of Naples, which master Fox shall shew your grace by mouth, I shall desist from farther molesting your grace with my rude writing. Praying Almighty God to preserve your grace.

Number LIII.

Copy of a letter from Fox to Gardiner; giving him a relation of his reception at court upon his return from his embassy.

MASTER Doctor, in my most hearty manner I commend me unto you; advertising the same, that the 27th day of April I wrote two letters unto you; the one from Parys, ascertaining you of my arrival and other occurrents there; the other in the fields upon my horse back, four miles from Clermoute, signifying unto you how that encountering Mr. Silvester Darius in the same place, who then was sent from the king's highness and my lord's grace ambassador into Spayne, I had received of the same my lord grace's most honourable letters, directed to you, Mr. Gregory, and to me. And unfolding the same according to their purport, I had eftsonnes closed, sealed, and sent them to my lord of Bath, to be conveyed unto your hands with all diligence, as my trust is they be long ere this time. After which my letters sent unto you, I continued still my journey, and came to Calais the 28th day of April; where abiding passage until the second day of May, entered ship, and arrived that night at Sandwich, about eleven of the clock. The day following, being Sunday, I made all diligence possible towards Grenewich, where the king lay, trusting there to have found my lord's grace with the king's highness; which undoubtedly I had done, if I had found no less gratitude in the mayor of Canturbury, and bailiffs of Rochestre and Gravesende, than we did in the territory of Florence. Albeit his grace was departed thence two hours before my coming thither, being then five of the clock at night. At which my repair the king's highness being advertised of the same, commanded me to go unto mistress Anne's chamber; who at that time, for that my lady princess and divers other the queen's maidens were sick of the small-pox, lay in the gallery in the Tiltyard.

And so admitted unto her presence, after declaration made unto the same in generality, first, of such expeditions as were obtained, and sith of your singular fidelity, diligence, and

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dexterity, used not only in the impetration thereof, but also in hastening the coming of the legate, with your most hearty and humble recommendations ; which she most thankfully received, and seemed to take the same marvellously to heart, rejoice, and comfort ; oftentimes in communication calling me master Stevens, with promise of large recompence for your good acquittal in the premisses.

The king's grace came into the same chamber ; after whose entry she departed. And the king's highness calling me apart, first welcomed me home ; sith commanded, *quam possem brevissime*, to shew him what was done in his cause. To which, after delivery of the pope's letters, which his highness caused me to read, and contained nothing but credence ; and also of your letters, which he secretly read to himself ; and also the letters of bishop Staphile, which he read not ; I answered, that whereas his highness had given us in commandment, before our departing out of England, to obtain a Dispensation and a Commission, according to such tenor and form as was here devised, we had, following his said commandment, and my lord grace's instructions, pretermitted nothing which might in anywise conduce to the furtherance thereof. And how that first concerning the Dispensation, we proponing unto the pope's holiness the nature of the said Dispensation, how that it touched no point, ne pertained *ad jus tercii*, being also of such sort, that if his holiness would grant unto all princes christened the like thereof, it might be to the great quietness of Christendome ; many void and frivolous titles, and occasions of debates and variances, wont heretofore to be moved upon such ground, as in the said Dispensation were taken away by such relaxation and grace of the See Apostolic clearly abolished ; his holiness very promptly and facily had condescended unto the granting thereof ; and that his holiness had passed the same without alteration of any sentence or word, and sent the same by me unto his highness, desiring the same thankfully to accept it, like as the same did proceed from the good assured heart and benevolent mind of his holiness, always dedicated and consecrated to do all that may be to the good satisfaction of his majesty.

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Furthermore, whereas we had made three degrees and kinds of Commission, each to be obtained in default of the

other, although we had made so instant and importune suit for the obtaining of the first, called *The Decretal*, as we possibly might, yet forsomuch as after long debating and consultation had upon the same with the pope's holiness, the cardinals, and other learned men there, we could neither induce them by no persuasion, ne dulce, ne poynaunte, openly to confess or affirm, that the causes by us alleged, imployed so manifest justness, that the pope's holiness might of right wiseness give out his decree without hearing the other party, and make a common law to be observed of all the world upon such a fact, containing so doubtful justness and equity; neither in our opinions and judgments, we could perceive the said Decretal Commission to be of such nature, that any process might honourably be made by virtue thereof, ne that it could ever come *in lucem*, without a great slander to the cause; but that it should rather minister to the adversary such causes *calumniandi et tergiversandi*, as might marvellously impeche the short expedition of the same; ne that it had any other use, strength or virtue, but one; which was, in case the pope's holiness, by death or captivity prevented, would not, or did not, confirm the sentence given by the delegates, that then it might serve *ad confirmationem*; ye in consideration thereof had devised another degree and fashion of Commission, containing all points of the said Decretal, save two; viz. *sententiam pontificis de jure*, with promise of confirmation, and no revocation. Which Commission being; not only in our judgments, but also in the pope's, the cardinals', and all other the learned men there, of such sufficiency, honourable sort, accustomed justice and uprightness, as nothing could be devised or required to be added thereunto; and might stand either with the honour of the See Apostolic, or his majesty, and the final determination of his cause, his holiness had passed also right gladly, and had sent the same unto his majesty, desiring with no less gratitude to accept it, than it had proceeded from his holiness.

And as concerning the two points omitted, I shewed his highness, although they were not expressed in the Commission, yet his holiness was right well contented, and much propence to satisfy his majesty therein to the uttermost of his power; and as he might do with justice and equity, under this manner;

that is to say, his holiness would make unto his highness so faithful and assured promise under his seal, as might be required, that the sentence once given by the delegates, he would most gladly, without respect or delay, confirm the same, and by the same also promise never to revoke ne give inhibition to the contrary of the same Commission.

All which things his highness seemed to take marvellously thankfully, and made marvellous demonstrations of joy and gladness; calling in mistress Anne, and causing me to repeat the same thing again before her; and so inferred many questions. First, what towardness and benevolence I perceived the pope's holiness to be of towards his majesty? Which I ceased not *verbis extollere*, rehearsing how honourably his holiness entertained us, admitting unto his presence, and giving audience whensoever we required the same. And what pains his holiness took in hearing and examining his cause; what words he spake unto us in extolling his benefits towards that See; how much his holiness pondered the imminent dangers to this realm, in case the king's purpose might not take effect; of what opinion his holiness privately was in the justness of this cause. And so took occasion to shew his highness how these opinions were ingenerated and persuaded to the pope's holiness by relation of my lord's grace; and that without his letters we should have obtained nothing there. For that the pope's holiness shewed us, it was reported unto him long before our coming, the king's grace followed in this matter *privatum aliquem effectum*; and that she was with child, and of no such qualities as should be worthy that majesty. Albeit the contrary hereof, so testified and declared by my lord's grace, was of such weight and importance in the pope's breast and opinion, that afterwards his holiness leaned to justice, and shewed himself marvellous prone and glad to satisfy his requests so far as equity would support and defend the same.

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Sith he asked me what consultation was made by us with the learned men of that court. Whereunto I answered, mentioning the disputations *et diuturnos congressus*, which we had solemnly before the pope, and privately in Mr. Gregori his house; wherein I ceased not to declare your learning and vehemency used; and also Mr. Gregory his diligence and authority. *De quibus malo aliorum prædicatione constet tibi, quam*

meis verbis. Certe sic mihi visus est affectus rex erga te, ut sperem fore, quum nos omnes amici tui felicissime collocatam hanc operam tuam gloriabimur. Finally, his highness demanded of me, what provision was made for recusation and appellation? I answered, There was inserted in the Commission words whereby the same was taken away, so far as the law would suffer and might be expressed by words; as these, *Omni appellatione et recusatione remotis, et citra omnem personæ aut jurisdictionis gradum.* Which word declaring unto him, he seemed somewhat to be satisfied; albeit he said in that matter he would my lord grace's judgment; and so commanded me to go to his grace that night, and to shew him the premisses.

Before I could come to Duresme-place, where as my lord's grace lieth now, (the hall of York-place, with other edifices there, being now in building, my lord's grace intending most sumptuously and gorgeously to repair and furnish the same,) it was past ten of the clock at night. And although my lord's grace was then in his bed, yet understanding of my coming, it pleased his grace to admit me unto his presence. To whom declaring as before, and thereto more specially how much difficulty we found there in the passing of the Commission obtained, and how that by no ways we could impetrate the Decretal, his grace seemed marvellously perplexed, thinking this Commission to be of no better value than that was sent by Gambara. And after much communication, he commanded me to depart for that night, and to leave behind me the said Commission, with the pope's and your letters, and your *rationes justificatorias commissionis expeditæ.* Which after his grace had read in the morning, and his high wisdom well considered, and pondered the same, calling unto him the Monday at afternoon master Doctor Bell and me to read the same before him, and in the presence of my lord of Rocheforde, his grace's opinion was much confirmed, and was utterly persuaded, *astipulantibus etiam illis,* the said Commission to be such as could be none better excogitated or devised; and that the Decretal Commission was not to be shewed *in publicum*; and that there might have been *recusacio et appellacio*, as well if process had been made by it as by this, with many other reasons, which he of his innate and excellent wisdom most quickly invented, to

the justification of your doing in this matter; with much praise and laud giving unto you for the same.

And so departing for that night, his grace appointed the morrow to have had Dr. Wolman and Dr. Benett, with other, to consult with them upon the said Commission; commanding me to go on the morrow unto the king's highness and report his grace's said opinion in the premisses; and furthermore, what new expedition his grace purposed to make unto you, to the whole and perfect consummation of the king's desires. Which by me declared unto his highness and highly approving the same, he remitted me again unto my lord's grace that night. At which my coming, his grace had not spoken with the said doctors, his grace being so occupied and detained all that day in common matters of the realm, with other of the king's counsel, that he could not attend thereunto. Nevertheless on the morrow, being Wednesday at afternoon, they all assembled before him. And finally, as it was reported afterward unto me, being then absent, and by my lord's commandment sent that morning to Grenewich, they all agreed to my lord's former opinion, each man for his part extolling your wisdom, dexterity, and right excellent good conducting of this cause.

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Albeit after my returning from Grenewich that afternoon, my lord's grace calling Mr. Peter and me, and instructing him of such form of answer as his grace intended to make to the pope's letters, and other, his grace also commanded me to write unto you, under this tenor; although the king's highness and your grace also, considering your approved wisdom and knowledge in the laws, and thereto great pains and labours used and sustained by you in the impetration of the said Commission and Dispensation; with that the same hath proceeded from the pope's holiness, and other his assessors there, purely, sincerely, without corruption or affection, other than to justice; and the same also is here thought of all men to be so vailable and sufficient as can be required, accept and take the said Commission and Dispensation so thankfully, and hold themselves so satisfied with the same, that they repute and think themselves not only singularly obstringed and bound to the pope's holiness, and the same of no great urgent necessity to be *amplius urgenda et solicitanda*, for any more

ample Commission, or farther validation thereof; *sed etiam passim ac palam deprædicent admirenturque virtutes tuas, nec cessant in hanc vocem prorumpere, O! non æstimandum thesaurum, Margarytumque regni nostri*; to the great comfort and rejoyce of us your poor friends here.

Yet my lord's grace as of himself, by his high wisdom, perpending and pondering the exoneration of his own conscience, and sith the consent and concord, opinion and sentence of other the prelates here, and finally, the chances of mortality, and such other as may of likelihood fortune in this cause, to the total ruin and subversion of the same; willeth and desireth you eftsones to solicit and move the pope's holiness and to experiment with the same all kinds of persuasions you possibly by your wisdom or rhetoric can devise and excogitate, to grant the Commission Decretal in most secret fashion and manner, to be sent hither unto his grace for these causes. First, his grace considereth how this decree and sentence once given by the pope's holiness *et judicio ecclesie*, might and ought to be unto his conscience *amussis et norma*, not only to direct, instruct, and form the same, how to proceed in this matter, specially in defining and determining the law upon those points whose justice is not yet so manifest, but by tergiversation of the adversary may peradventure be eftsones called into controversy; but also might be always unto him a sure and inexpugnable defence against all detractors, and such as hereafter maliciously should attempt the violation of the said sentence and decree. To whom it might always be answered, his grace's judgment was agreeable and conform to that was given by the church, and that his grace hath not varied from that was promulgated and enacted by authority of the same. Another cause is, for that having such Commission Decretal, his grace doubteth not but by mean thereof he shall facily induce all other which ye know to be of the adversaries' part here, to be of one conformity in sentence, and to concur with his grace in the same opinion, judgment, and decree. Which if his grace might attain, like as he thinketh the same should inestimably conduce not only to the justification, but also to the honourable and perpetual establishing of the said cause, his grace having always wherewith he may *justissime obstruere ora calumniantium, et temere dissentientium*; so without the

said Commission Decretal his grace feareth he can by no other means persuade them, *ut in eandem sententiam conspirent*, they being *tam pertinaciter addictis illi sententiæ tuendæ quam semel susceperunt*.

Furthermore, my lord's grace adverting and noting *varios humanæ vitæ casus, quibus vita mortalium multis nominibus obnoxia est*, thinketh to enter first, *pelagus illud judiciorum*, openly to ventilate and examine the same cause, to labour and endeavour by all means possible to bring it to perfect determination, end, and conclusion; and yet all those his doings to hang upon *solâ voluntate Pontificis, scilicet si velit confirmare*. Whose *voluntas* may be *infinitis modis* letted, yea and *prorsus* alienated from that towardness and benevolence which he is of now towards the king's highness, he could not *subterfugere notam summæ temeritatis, et nihil aliud quam frustra nitendo odium quærere videretur*; like as of your wisdom ye have oftentimes heretofore considered and weighed the premisses, and also openly declared the same there unto the pope's holiness so abundantly and with such energy, *ut ego tam multis non aliud videar facere, quam sus Minervam, et bene memorem temere monere*.

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Finally, it is specially to be noted and regarded, and the same by your good dexterity to be persuaded unto the pope's holiness, how much it might conduce to the weal and restoration of that see, my lord's grace to be of such authority, favour, credit, and estimation with the king's highness, and so by steadfast and indissoluble amity colligate unto the same; that whatsoever his grace should advise, exhort, and counsel, his highness should be by the same facily condescended unto the good accomplishment thereof. And by what means may that be so perfectly attained, the king's highness being so desirous of good success in this his cause, as and if the pope's holiness of his paterne goodness and benignity should now only at the contemplation of my lord's grace, and upon the singular confidence which he hath collocate in his high wisdom, conscience, and devotion towards that See, grant this Commission Decretal, to the perfect and consummate end and decision of the said cause?

Wherefore and in consideration of the premisses, his grace willeth and desireth you, that sith his grace intendeth never

to make process by virtue thereof, ne that it shall at any time be published, or shewed to any person in the world, whereby may arise any the least slander, oblique damage, or prejudice to the See Apostolic, or to the pope's person, with that also his grace intendeth nothing but by shewing thereof to the king's highness to acquire such authority and favour of the same, as might turn to the singular advancement, inestimable benefit, and perpetual wealth of that see; of which thing his grace willeth also you make faith and promise in *animam suam*, under most sacred oath and obtestation unto his holiness; ye by your accustomed dexterity and wisdom yet eftsones move the pope's holiness to pass the said Decretal; using for obtaining thereof all goodly and dulce ways you can devise, without concitating him by any sharp words of discomfort. And in case after three or four congresses ye see no likelihood, but rather be in full despair, to relent and cease your suit, without any farther molesting in that behalf; and so return home with diligence, leaving that suit to be prosecuted by Mr. Gregorie, and other the king's agents and friends there.

These things by you thus proponed and set forth, and taking such effect as can be obtained there, his grace farthermore desireth you, that forasmuch as the *juris consulti* here *nihil aliud fere habeant in ore*, but, the queen may recuse, the queen may appeal, ye would therefore make a consultation with the best learned men in that court whether she may do so or no. And in case she do either of them, then of what effect, valor, or strength it is, and how much it may let the process in the cause; and whether that notwithstanding, the legates may proceed; and finally, what remedy is to be used in remission of the appeal and confirmation of the sentence *per superiorem judicem*. And whether the appeal hanging, the parties may *redire ad nova vota* before confirmation, or any other like scruple and doubt which you know may arise in this matter. And the sentence of the said learned men to bring home with you subscribed and signed with their hands.

His grace also discussing and right well approving *rationes illas justificatorias commissionis expeditæ*, by you there devised and sent hither by me; which also you shall receive again here enclosed, *ne forte illarum exemplar perierit tibi*, desireth you to cause the same to be read and examined by

the said learned men; they to add and augment the same by reasons and authority; and so by them approved and subscribed as afore, to bring them in like manner with you. These my lord grace his requests and pleasure, although by his own letters directed unto you they be more amply declared and in far better terms couched, yet sith his commandment was I should commit the same to writing, and by my rude letters advertise you thereof, all Thursday following I attended the penning hereof, being for lack of cunning and experience in such kind of style very painful unto me.

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The Friday following, Mr. Tuke then having perfected my said lord grace's expedition unto you, it pleased his grace to call me to hear the reading thereof; and so after long communication had, his grace willed me to exhibit unto him the minute of this my letter. Which done, his grace commanded me to go unto the king's highness to report the effect of the said expeditions, and also to bring unto him the copy of the pope's letters to be written of his own hand. Which his highness receiving and remitting me again to my lord's grace, seemed to desire nothing so much as the said expedition to be well set forth by you, and your returning with all celerity.

The Saturday following, my lord's grace calling Mr. Bell and me eftsones to his presence, after much consultation and deliberation had concerning the said expedition, commanded me to desire you by my letters in his grace's name, over and besides the premisses, to make consultation there with Staphile, and such other as your wisdom shall think good, for their learning and discretion, this matter to be communicated unto. First, in case the queen's grace, omitting all such benefit and privilege which she might pretend to have by the dispensation of Julius, and refusing to enter the disputation of the validity of the same, like as his grace is perfectly informed by some of her counsel that she will do, and recurring only to this allegation, *Quod non fuit cognita ab Arthuro*; whether then and in case the said allegation should be proved true, the said Bull be not *prorsus* invalidate, by reason there is no mention made in the same *de publicâ honestate*. For since the Bull dispenseth only *cum affinitate cujusmodi*, if her allegation should be true, *nulla intercessit inter contrahentes*, and being necessary the same to be dispensed with, argueth the

matrimony to be illegitime in his grace's opinion. Wherein his grace would gladly be resolved by your and other learned men's judgments there, to be by you inquired, and certificate thereof to be made to his grace as before.

Moreover, whereas the words of the Commission be such, *ut primum pronuncietur et declaretur validitas aut invaliditas Bullæ; deinde, ut decernatur Matrimonium illegitimum, aut contra; postremo, ut feratur sententia Divorciï;* his grace is in no little doubt, the learned men here not well dissolving the same, whether his grace ought by order of the law not to vary *a præscripto commissionis*; and so to give three several sentences in these three cases, or else *una sententia de nullitate matrimonii*. By which *tacite fertur sententia de invaliditate dispensationis, et altera de Divortio*; his grace may well satisfy his commission, and for so doing no fault or error may be arrected unto him. In dissolving and explaining these doubts, although his grace, knowing your approved wisdom and learning, willeth and intendeth to adhere and follow your judgment and opinion so much as any other man's elsewhere, according to his especial trust and confidence in you; yet to the intent your sayings might have greater authority and vehemency with other men, and that somewhat peradventure might be added also by them to the confirmation thereof, his grace is much desirous and heartily prayeth ye will adhibit some learned men *in consilium* in the premisses, to hear their phantasies and opinions in the same. So that ye may come home *plenissime et perfectissime instructus*, to discuss and make plain all things which in this matter shall have any visage of doubt or ambiguity.

And specially, above all things, forsomuch as his grace intendeth in this cause of so high consequence, wherein dependeth the wealth or ruin of this realm, the conservation of his honour, or else immortal ignominy and slander, the damnation of his soul, or else everlasting merit, to proceed according to due order of justice, and to ground and firm his conscience upon so perfect and infallible rule of equity, that before God he may account himself discharged, ne to have done anything *reclamante conscientia*; and having, among oither, in his grace's own opinion one specially just and steadfast base and foundation to ground right wisely his conscience there-

upon, viz. *Quod Rex ipse nescierit prorsus de impetracione Bullæ*; whereof he is ascertained not only by the king's relation, but also by my lord of Winchester; his grace willeth and desireth you, ye will under most secret manner, *et tacitis nominibus ne videatur, viz. dubitare de justiciâ causæ, quam toties deprædicavit*, inquire of Anconitane, or else some other of like learning, whether the said ground be so justifiable and of such sort as his grace might well build his conscience upon, without grudge or scruple hereafter.

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Thinking here to have finished these my letters, and the Sunday following going to Grenewich with my lord's grace, who then fully purposed there and that same day to have depeched thence unto you with all such expeditions as his grace here sendeth unto you by Mr. Barloo; after the same was read and declared by my lord's grace unto the king's highness, being thereat present master Tuke, master Wolman, master Bell, and I; there was by the said master Wolman one other doubt and scruple found and objected, whereof the king's and my lord's grace thought it very necessary to advertise you, to the intent you shall communicate the same with such practitioners and well-learned men as ye shall find there; and by the deliberate advice and counsel of them know the perfect resolution and verity thereof. The doubt was thus, that forsomuch as by virtue of the said Commission, containing both *officium nobile* and also *mercenarium*, the said legates may in *cognitione super validitate et invaliditate cujuscunque Bullæ producendæ aut exhibendæ*, use and proceed *ex officio nobili*; and in *pronunciando et declarando matrimonium nullum*, they must needs use *mercenario*, and cannot give sentence, *nisi ab alterâ parte petatur*. And moreover, whereas unto this part is added, *prout animo conscientieque vestræ juris ratio persuaserit*, it may well be thought and doubted whether by addition of this last clause the other particles, viz. *omni appellatione et recusatione remotâ*, and also *citra omnem personæ aut jurisdictionis gradum*, be restrained, and lose such vigour and strength as the words importeth, and might be much better defended to have if the said clause had not been added thereunto. The cause of doubtance is this. For sith *juris ratio* commandeth and willeth that *omnis recusatio et omnis item appellatio justa*

audienda sit et admittenda; and they in proceeding *ad dissolutionem matrimonii* must needs do as *juris ratio persuaserit*; it seemeth plainly that although in the first process, *ex officio nobili*, all recusation and appellation be taken away by the said clauses, yet in this second process and cognition the said clauses be restrained and altered by the addition of this article, *juris ratio persuaserit*; and that by reason thereof the queen's grace may always recuse and appeal at her good pleasure and liberty from whatsoever decree or sentence, either interlocutory or definitive, she will; and so protract and differ the decision of this matter, and finally frustrate the king's expectation, to the utter and extreme peril of all those that have intermeddled them in this cause; unless by your wisdom, wherein is our great hope and trust, ye can so mayne and conduce these causes, that both the justness of the king's cause, and also all delays or tracts of the time which may be lawfully used by the adversary in the process of this cause, be openly and plainly declared and made manifest to the king's highness by your sentence, confirmed with the opinions and judgments of other learned men there.

Wherein you may boldly write and say according to your learning, the king his grace being of so perfect mind and inclination to do nothing in this matter contrary to the accustomed manner and just process of the law; being also fully persuaded that the queen's grace, having and using the benefit of appellation or other remedy, shall much advance and confer to the honour and surety of his cause. Which opinion and good conformity to justice, like as it hath been by my lord grace's high wisdom, by little and little instilled into the king's breast, so his grace ceaseth not daily to increase the same by marvellous prudent handling and dexterity. Insomuch that yesterday to my great marvel, and no less joy and comfort, his grace openly, in presence of Mr. Tuke, Mr. Wolman, Mr. Bell and me, made protestation to the king's highness, "That although he was so much bound unto the same as any subject might to his prince, and by reason thereof his grace was of so perfect devotion, faith, and loyalty towards his majesty that he could gladly spend goods, blood, and life in his just causes; yet sith his grace was more obliged to God, and that he was sure he should render an account *de operibus suis* before him;

he would in this matter rather suffer his high indignation, yea, and his body jointly to be torn on pieces, than he would do anything in this cause otherwise than justice requireth; ne that his highness should look after other favour to be ministered unto him in this cause, on his grace's part, than the justness of the cause would bear. But if the Bull were sufficient, he would so pronounce it, and rather suffer *extrema quæque* than to do the contrary, or else *contra conscientiam suam*."

Postscripta. You shall understand that although the king's highness' pleasure be at full and in most ample wise declared unto you by my lord's grace his instructions; yet his highness having perfect confidence that his authority is as it ought to be unto you, *sacrosancta*, and of more weight and moment than any others; to the intent that you being more specially advertised of his requests and desires by his private letters, should more specially regard, tender, and study to accomplish the same to the uttermost of your powers; this Monday his highness sending for me apart, commanded me to write these letters as from his highness unto you, and to advertise you in the same of two things, which his highness considereth and thinketh above all other things to be set forth by you *cum effectu*. The one is the Commission Decretal to be obtained according to my lord grace's instructions now sent. Wherein using such reasons as is there expressed unto you, in case ye be in despair of impetrating the same, ye then, master Stephins, should say unto the pope's holiness that ye be right sorry and in marvellous perplexity of mind how the said denial of so just and reasonable petition shall be taken, and may work in the king's breast; and that you be in great fear, knowing the nature and condition of your prince and master, lest that his highness interpretating the same and all that hath been done hitherto to have proceeded either of vain fear, or of dissembled friendship, and covert deceit, to the intent his grace should still be under their yoke and bondage, should hereafter alienate his mind from such devotion and amity as he beareth now to the pope's person. Specially sith his holiness did never heretofore do anything in any his private causes, and now deny his first petition; which he may lawfully grant; and shall be assured that it shall turn never to the

prejudice or damage of his holiness. Which words spoken by you, master Stephins, his highness' will is, that ye then cease of further suit therein; and that ye and Mr. Gregorie, with all craft, ways, and means possible, attempt the obtaining the said Decretal: like as his highness' special trust is in you, and as ever you intend to do thing acceptable to his grace, persuading to yourself this to be the thing, the attaining whereof shall so highly content his grace, *ut nihil supra dici aut excogitari possit.*

Number LIV.

*Fragment of the copy of a letter from Foxe to Gardiner,
written in May, 1528.*

Harl. 419.
fol. 110 b.

RIGHT worshipful Mr. Doctor; in my most hearty manner I commend me unto you; advertising the same that your paquet of letters, bearing date the 4th day of this present, was brought unto Mr. Tuke the 19th of the same, and by him delivered and distributed according to their directions. By continue of which your letters, as well to my lord's grace as to Mr. Tuke, Maister Petur, and me, the king's highness and my lord's grace, understanding the great difficulties pretended, and contrived delays, and thereunto great uncertainty both of my lord cardinal Campegius' favour and inclination to the furtherance of the king's purpose, and also of his coming hither, not only taketh the same so displeasantly, *ut omnis illa alacritas et spes de celeri expedicione causæ*, is now expelled, made cold, and almost extinct in them, but also have conceived such opinion of the court there, that by no words we can remove *quominus se delusos arbitrentur*, and that the pope's holiness, of purpose *et deditâ operâ*, doth differ and protract the coming of the said legate, to the intent it might be known *utri exercitui victoriam dii dederint*, before any thing were done or attempted in that cause. Sir, in how good part and thankfully the pope's holiness' gratitude, and also your labours sustained in the impetracion of the Dispensation and Commission obtained, was taken at my first coming home, both on the king's behalf and also my lord's grace, I declared unto you in my last letters, sent by Mr. Barlowe. Albeit, now these your last letters hath ministered unto them such occasion of distrust, fear and wanhope, and hath infixed the same so deeply in their breasts, that so far as I can gather by certain conjectures, *videantur michi prorsus abalienati* from their wont devotion unto the pope's holiness, *et jam conversis studiis velle deficere ab eodem, veluti ab homine ingrâtissimo et indignissimo quem ullâ suâ ope juvent*. Insomuch

that whereas in your letters advertising of the descents of the Almaynes into Italy, and describing how the same might turn to the utter desolation and ruin of that country, ye desire in the pope's holiness' behalf, the king's highness, and my lord's grace, to study and to adhibit some speedy and present means and remedy how to occur, lett, and empeche their said coming. They answer thereunto, saying openly, Shall we further employ our study, travail, wit or counsel, shall we eftsones spend our treasure to the impoverishing of our self, fol. 111. our realm and subjects? Shall we yet enter battle and hostility with our friends for his sake, which (neither considering our private honour, or tranquillity of conscience, in the public weal and the quiet of our realm, ne yet our manifold benefits done and collocated heretofore unto him, desired only to minister unto us such part of his spiritual grace and favour, such advice and counsel as he being the common father, and having cure of all Christian men committed unto him, is bound of justice to exhibit, *etiam hosti*;) first by crafty means and under the face and visage of entire amity caused his learned men there to pretend ignorance and doubt in the justness of our cause, without determining what the law would do therein, or giving any counsel by what means we might discharge our conscience and come to such an end as might stand with our honour, and remitting the same to be discussed and resolved here, as though he should have said, *med nihil interest per-eatne Rex ille et pessum eat una cum toto regno suo; accipite eum vos et secundum legem vestram, judicate illum*; denied utterly to grant the Commission Decretal, or any other thing that might conduce to the furtherance and expedition of our cause? And after marvellous and importune suit and instance, would only give out such a Commission as he might revoke again and inhibit at his pleasure; leaving in the same such remedies of appellacions and other delays to the adversary, as though he seemed nothing else to intend but to involve and cast us so in the beyars *et pedicas illas juditiorum*, that we should hang always under his yoke and bondage, and not to be delivered thereof but at his good will and pleasure? And now finally, whereas cardinal Campegius was of so good zeal, mind and towardness to accomplish all our desires and purposes as could be by us desired, would not suffer him to

execute that Commission which he had directed unto him, but by imagined and contrived excuses rather differ and delay his coming, than to do anything which may be to the acceleration thereof?

fol. 111 b. Such words, with others of like sentence, which they cease not *etiam plusquam tragice intonare*, I can interpretate but to proceed of high displeasure, discomfiture, and total despair; which they have so inwardly conceived, that nothing I suppose may remove and take away the same, but only the real, actual, and so manifest declaration of the contrary, that they may *reipsâ* perceive no tergiversation or colour therein, which thing so much the more grieveth me, for that the king's and my lord's grace also seemeth *tacite* and secretly to arrect and impute unto you blame herein, *quasi non præstiteris eam diligentiam in solicitando Pontificem ac cæteros quibuscum res istic tibi est, quam vel oportuit, vel illi expectant*, and that by reason thereof such instant suit as is made here by your friends, both to the king's highness and also my lord's grace for your short returning, is utterly frust[rate], they always answering us that you shall in anywise accompany the legate until he be on this side the mountains, and in case he never come, ye never to return. Wherefore, Sir, as ever ye intend either to further the common weal of the See Apostolique, which is like to be destitute of all men in case this opinion be not *radicitus* pulled out of the king's and my lord's breast, or else answer to that faith and confidence as they have ever hitherto had in your diligence, loyalty and wisdom, or to have tender regard to your health and comfort of your friends here; cease not opportune importune interponing all craft of rhetoric, eloquence and other dexterity possible by you to be used, to move and solicit the pope's holiness not only to grant the Commission Decretal, but also to accelerate the coming of my lord Campegius, or in default of him, to cause the same *provinciam* to be committed unto my lord cardinal Anconitane, like as it hath been declared more at length unto you in my lord's grace his former letters, sent by Mr. Barlow. *Denique per sacra piaque omnia te obtestor, ut quâcumque ratione has suspicionis et diffidentie nebulas istorum animis pro tuo solesolicitâque* ⁵⁷ *prudentiâ*

⁵⁷ Perhaps a mistake of copy for *solitâ solicitâque*.

*discutias quæ nostram interim omnem offuscant obtenebrant-
que læticiam, omnemque quam de exanclatis laboribus nostris
laudem gloriamque ceu præmii vice expectaveramus prorsus
adimunt. Sic ut sæpissime a meo reditu optârîm etiam atque
rursum*⁵⁸

⁵⁸ Here the MS. ends abruptly, the remaining leaves having been lost.

Number LV.

*Holograph letter written by secretary Knight, from Blois,
to the king, April 21st, 1528.*

Record
Office.

PLEASE it your highness to understand that as oftentimes as I call to remembrance the great goodness of your grace, it pierceth my stomach deeply, that any charge committed unto me by your commandment should not be likewise by me performed accordingly unto your pleasure. Albeit if I had not done as it became your true servant, and as it was expedient without let or hindrance of your grace's purpose, fully bent, minded and able to perform the journey, I would be right sore ashamed to return into your realm, and that if my good fortune had been to come unto your presence I should evidently have shewed unto your highness; but sythyn it is your pleasure that I should remain here, it may please your highness to consider the matters that beth here in train, which I have written at this time unto my lord legate; and it shall be more than evident that they requireth one or two great personages of authority, wisdom, and experience, to mayne them well. I assure your highness upon mine allegiance, I write nothing but the truth. God wolde that the affairs might succeed to your honour and pleasure, so that I were not only in continual labour, but also well able to well compass the same, though it were to the effusion of my blood. The Holy Ghost preserve your highness, and send you your desires.

At Blese, this 21th day of April.

Your most humble servant,
chaplain and bedesman,

W. Knyghte.

The king's majesty.

Number LVI.

An original letter to the king, signed in Wolsey's hand, about the coming of the legate with Foxe.

SYR,

Since the war is intimated and denounced by your highness and the French king against the emperor, and that the successses of the peace as yet be incertayne; there be diverse reasons and considerations groundd upon the treaty *belli offensivi* why your grace should have ships eskiped for the war upon the sea; which reasons I shall declare unto your highness more at the length at my next repair and access unto the same; howbeit if there were no such considerations, but only the conducting and wafting of such ships as daily doth repair to your city of London, with corn, merchandizes, and victualls, with the guarding of your passage for currors and letters, and specially for the sure transporting of Mr. Fox and the legate that is coming; in my poor opinion it were right expedient that your highness should have some ships of war on the sea. Wherefore, sir, if your gracious pleasure be agreeable hereunto, it shall be well done that order be given for the victualling and wages of such ships as be now in the sea, for two months more. In the which time it shall be seen whether it shall be needful that the same be discharged and revoked, or for their reinforcement more to be set unto them. As our lord knoweth, who preserve your noble and royal astate.

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Office.

From your manor of Hampton Court, the 28th day of Aprile,
by your grace's most humble chaplayn,
T. Car^{lis} EBOR.

To the king's most noble grace,
defensour of the faith.

Number LVII.

Draft of the credentials of Taddeo to foreign princes through whose dominions he might have occasion to pass; in Vannes' hand, slightly corrected.

Vitell. B.
x. fol. 61 d.
al. 65 d.

HENRICUS, etc.

Omnibus et singulis regibus, principibus, dominis, capitaneis, vel locum tenentibus, et quibuscunque aliis cujusque statûs vel gradûs existant, salutem et sinceræ dilectionis affectum.

Quum ob nonnulla nostra negocia in Italiam impræsentia mittamus dilectum servitorem nostrum, Thadeum cursorem, præsentium latorem, sitque in hoc suo itinere ad varia loca se recepturus; vos omnes et singulos impense rogamus, ut præfatum Thadeum, velitis per loca, regna, dominia, et jurisdictiones vestras permittere, ut libere sine aliquâ molestiâ, impedimento, vel retardatione, tute ac expedite, sine ullâ inquisitione, aut literarum aperature aut detentione transire possit, ac, si ita egeat, in nostram gratiam velitis omni vestro favore ei adesse, eumque benigne admittere. Quâ in re, præterquam quod nobis vehementer gratificabimini, pollicemur quoque nos perinde gratos ac benignos, in quemlibet vestrûm, datâ occasione, futuros.

In cujus rei testimonium præsentem literas patentes fieri fecimus nostrâque manu subscripsimus.

Datum in regiâ nostrâ Grenwici, Die 10 Maii, MDXXVIII.

Number LVIII.

*Draft in Vannes' hand of a letter from Wolsey to Campeggio,
of May 23, 1528, urging him to hasten his journey.*

REVERENDISSIME in Christo pater etc.

Vitell. B.
x. fol. 95.
al. 107.

Ubi primum Regia Majestas et ego intelleximus, vestram Reverendissimam Dominationem, pro gravissimâ et omnium maxime necessariâ ipsius hic definiendâ causâ, fuisse a Sanctissimo Domino nostro collegam mihi constitutam, tanto repente gaudio affecti sumus, ut nil potuerit utrique nostrâ lätius aut expectatius nunciari. Ego vero ex hâc Sanctissimi Domini nostri electione existimav[i in] perpetuum fâlicitatem me esse consequutum, quum eum mihi collegam ipsius Sanctitas adjunxerit, cujus fraternum erga me affectum, summam in regem meum fidem, ingentem eruditionem, parem prudentiam, singularemque probitatem compertissimam perspectissimamque haberem. Ceterum dum nuncium avidissime expectarem, quod delegatam pro[vin]ciam, vestra Reverendissima Dominatio, rebus omnibus postpositis, jam suscepisset, allatæ sunt a Domino Gregorio Casalio, et Domino Stefano secretario meo literæ, quæ antea conceptum gaudium undique perturbârunt; nihilque ab eis significari poterat molestius, quam Reverendissimæ Dominationis vestræ iter innumeris difficultatibus injectis, fuisse dilatum, idque causari partim podagrâ, partim vero Romanæ legationis munere, equorum, vestium, ministrorumque defectu, pecuniarumque ad itineris impensam sustinendam penuriâ.

His itaque cognitis difficultatibus, apud vestram Reverendissimam Dominationem rursus instantissime literis meis agendum putavi ut ejus adventum maturarem, id certe officii ut coram præstarem, si licuisset isthuc usque advolaturus; sed confido has literas quas tanto animi studio nunc scribo non minus apud eam ponderis habituras esse. Proinde Reverendissime Domine, quam vehementissime possum, Reverendissimam Dominationem vestram obsecro et obtestor ut, omnibus posthabitis difficultatibus causisque morandi, velit huic itineri se quam primum accingere; hujusmodi enim difficultatibus facile, modo sic ipse

velit, prospicietur; pecunias enim Dominus Stefanus subministrabit; factuque optimum ego esse arbitror, ut vestra Reverendissima Dominatio sic suum adventum disponat, sicque de ministrorum comitatu statuatur, ut paucis secum adsumptis, ceterisque ut subsequantur relictis, quam propere ac expedite possit, in Galliam se conferat, ubi equos, mulas, vestes, ministros, pecunias, et necessaria quæque ut his honorificentissime huc in Angliam deducatur, parata inveniet; nec me pigebit mare trajicere, ut illi sim itineris comes et ductor; duo nunc difficultates supersunt, podagræ scilicet ægrotudo et vicelegati deputatio; de podagrâ enim confido, ut ex literis secretarii mei conjeci, non ita nunc Reverendissimam Dominationem vestram torqueri, ut ex eâ occasione, hoc tranquillissimo anni tempore, ipsius iter impediatur, vel differatur, accedente præsertim ingenti Reverendissimæ Dominationis vestræ alacritate ardentissimoque de serenissimo Domino meo rege quam optime merendi studio, quod omnis generis difficultates debet facillime superare.

Romæ autem vicelegatum, nullâ morâ, Sanctissimus Dominus noster deputabit; nec eas res arbitror tantum a vestræ Reverendissimæ Dominationis præsentia pendere, quin illas ipsa possit tam gravissimi Regii negotii intuitu intermittere, si propensa animi voluntas accesserit. Nec tantopere de maturando vestræ Reverendissimæ Dominationis adventu instarem, nisi serenissimus Dominus meus Rex ejusque consilarii plane statutum haberent, ut ob rei majestatem in negotio definiendo, vestra Reverendissima Dominatio collega mihi omnino adsit; de cujus in se animo hæc Regia Majestas eam fiduciam et spem concepit, ut difficultates omnes abruptas, labores libenter ab eâ toleratos iri credat; et hoc uno veniend[i] officio, vestra Reverendissima Dominatio, sic hunc regem totum sibi lucrifaciet, ut de ejus Majestate maxima quæque sibi queat polliceri; me autem sic sibi devinciet, ut, quicquid sum, sim id omne suæ voluntatis arbitriique perpetuo futurus. Alioquin præterquam quod Regia Majestas forsân putaret, hunc adventum ex composito, ita Sanctissimo Domino nostro clam procurante, differri, facillime quoque suspicaretur Reverendissimam Dominationem vestram occasionem querere ut (suâ Majestate offensâ) Cæsari gratificaretur, et quod jampridem intellexerat, non falso fuisse de vestrâ Reverendissimâ [Dominatione] ad se delatum. Quam-

obrem, si ullo in precio habeat serenissimi hujus Regis gratiam, si grato animo ullum ejus beneficium unquam accepit, si illum affectum quem semper literis indicavit, ex corde præstitit, si mea officia unquam cordi habuit, si ulli unquam usui me sibi futurum putat, si me salvum velit, si denique Sanctæ Romanæ ecclesiæ auctoritatem hic imminutam nolit, enixissime obsecro, ut sublati quibuscunque morandi causis, quam citissime huic se itineri accingat; quod absque irreparabili malo neutiquam potest diutius protrahi ⁵⁹.

⁵⁹ On the same day Wolsey wrote to sir Gregory Cassali, stating his dissatisfaction at the delay of Campeggio. The letter is printed in State Papers, vii. 68, and makes an allusion to this letter, which fixes its date.

Number LIX.

Draft in Vannès' hand of a letter from Wolsey to the pope, probably written May 23, 1528; urging the sending of the Decretal.

Vitell. B.
x. fol. 71,
al. 75.

BEATISSIME pater,

Officium et observantia, quam erga Sanctitatem vestram gero, me impellunt, ut hæc paucula quæ sequuntur, ei, apud se secreto adservanda scribam, videlicet ut, si hunc regem et ejus regnum in suâ devotione contineri cupiat, si vitam, salutem[que] meam cordi habeat, si denique reintegrationem, recuperationem[que] sui, et Apostolicæ sedis statûs in pristinam dignitatem et coronam dum suos vita occupat arctus, ex animo desideret, nu[llo] pacto, vel occasione prætermittat, quam citissime ad me mittere secreto mihi custodiendam, Commissionem Decretalem, in amplissimâ, validissimâque formâ, sentiatque iste rex quod vestra Sanctitas re ipsâ, non verbis, sibi confidat, et quod meæ preces et intercessionem aliquid ponderis apud se habent. Quod si vestra Sanctitas effecerit (scio quid pro re compertâ loqui), nunquam eam facti, vel vehementissimi mei consilii pœnitebit, quemadmodum rei experientia successusque docebit. Deum precor ut quæ ex corde scribo in vestræ Beatitudinis pectus inspiret.

Number LX.

The Commission for Wolsey and Campeggio to try the cause of the divorce.

CLEMENS Episcopus servus servorum Dei, dilectis filiis Thomæ sanctæ Cæcilie Eboracensi et Laurentio sanctæ Mariæ in transtyberim de Campeggio nuncupatis titulum presbyteris cardinalibus, in Regno Angliæ nostris et Apostolicæ sedis legatis de latere, salutem et Apostolicam benedictionem.

Record
Office.

Sane ad aures nostras ex plurimorum fide-dignorum relatione frequenter perlatum est, de validitate illius matrimonii quod charissimus in Christo filius noster Henricus Angliæ Rex illustris, fidei defensor et Dominus Hiberniæ cum charissimâ in Christo filiâ nostrâ Catharinâ Reginâ, sedis Apostolicæ dispensatione prætensâ, contraxisse et consummâsse dinoscitur, subortam nuper in partibus illis quæstionem, quæ licet in publicum Ecclesiæ iudicium deducta hactenus non fuerit, causæ tamen tam magni gravisque momenti exitus, viz. quem justitia et æquitas dederit, animos istic omnium sic habet suspensos, ut celerem ac maturam definitionem requirat, non sine maximo discrimine protelandam.

Cum itaque nos, quos ad justitiam in iudicio et veritate omnibus ex æquo subministrandam, servum servorum Deus constituit, facti veritatem per nos ipsos inquirere ac causam hanc examinare non valemus, considerantes præterea quod factum, ex quo jus oritur, illic certius quam hic, tum etiam citius expeditiusque cognosci poterit, cupientesque præsertim in Regno illo sedi Apostolicæ semper devotissimo, omnium dissensionum materiam extinguere, et dulcissimum illum pacis amorisque intestinum concentum felicissimamque charitatis Harmoniam multos jam annos constantem retineri, ac in posterum conservari, dictamque proinde super præfato matrimonio causam in iudicio, justitiâ et veritate decidi, certumque, firmum, validum et maturum, quod maxime expedit, finem sortiri; Circumspectioni vestræ ad audiendum ea omnia et singula quæ dicti matrimonii vires, dispensationisve

Apostolicæ ejuscunque coram vobis producendæ aut exhibendæ validitatem aut invaliditatem contingant, deque et super omnibus illis ac aliis quibuscunque materiis, allegationibus et causis dictum matrimonium aut dispensationem concernentibus seu tangentibus cognoscendum; necnon in causâ dicti matrimonii et validitatis dispensationis, vocatis partibus, summarie et de plano, sine strepitu et figurâ judicii procedendum; dispensationes quascunque Apostolicas, prout illas validas, efficaces et sufficientes, invalidasve, inefficaces, minus sufficientes, surreptitias aut obreptitias, aut alio quocunque modo enervatas inveneritis, tales illas esse, et haberi deberi pronunciandum et declarandum; dictumque matrimonium similiter, si ab alterutrâ parte petatur, prout animo conscientiæque vestræ juris ratio persuaserit, validum, justum et legitimum, ac firmum esse, aut e contra invalidum, injustum et illegitimum, nullumque fuisse et esse, pro valido, justo, legitimo et firmo, aut e contra, invalido, injusto et illegitimo, nulloque haberi deberi, diffiniendum, sentiendum et decernendum; ac in eventum improbatæ dispensationis et declarationis nullitatis matrimonii, summarie et de plano sine strepitu et figurâ judicii, ut præfertur, sententiam divortii judicialiter proferendum; denique tam Henrico Regi, quam Catherinæ Reginae præfatis, ad alia vota commigrandi licentiam in domino et facultatemtribuendum; vobis conjunctim, et, altero vestrum nolente aut impedito, divisim, citra omnem personæ aut jurisdictionis gradum, omni recusatione et appellatione remotis, vices et omnem auctoritatem nostram committimus et demandamus.

Vosque etiam conjunctim, et, altero vestrum nolente, aut impedito, divisim, ut præfertur, ad ea omnia quæ in hac commissione continentur dumtaxat exequenda, expedienda, ac plenæ finalique executioni demandanda, Vice-gerentes nostros etiam ex certâ nostrâ scientiâ creamus, et deputamus, ita, ut in præmissis, quod nos auctoritate et potestate nostrâ facere possemus, id etiam vos facere possitis. Vobis quoque tam prolem ex primo matrimonio susceptam, si id ita expedire visum fuerit, quam ex secundo matrimonio suscipiendam, legitimam decernendi pronunciandi et promulgandi, legitimitatem etiam utriusque proles, censuris et pœnis Ecclesiasticis quibuscunque, per modum decreti aut sanctionis perpetuæ, muniendi et vallandi, omnibus validioribus et efficacioribus modis et formis quæ de

jure concipi et excogitari poterint, ex certâ nostrâ scientiâ, autoritate Apostolicâ, tenore præsentium, potestatem pariter et auctoritatem concedimus, non obstantibus conciliis generalibus, Apostolicis constitutionibus, et ordinationibus editis, cæterisque contrariis quibuscunque.

Dat. Viterbii, anno Incarnationis Dominicæ millesimo quingentesimo vicesimo octavo, sexto idus Junii, pontificatûs nostri anno quinto⁶⁰.

⁶⁰ This Commission has been variations are, however, but few, and printed by Herbert, p. 233, but of little importance. perhaps from a different copy. The

Number LXI.

Copy in Vannes' hand of an extract of a letter from sir Gregory Cassali, from Viterbo, relating to Campeggio's journey.

Ex literis Domini Gregorii die 15 Junii, Viterbii datis.

Record
Office.

PER capellanum Barlo, ultimo ad vos scripsimus. Mox ego sum profectus Romam ad Cardinalem Campegium, ut in omnibus, et per omnia, illum adducerem ad quæ vellemus; id est, ut primo approbaret modum veluti necessarium, quem Regia Majestas petit de Commissione Decretali, diceretque se habiturum pro summâ gratiâ, ut eam sibi deferendam Pontifex committat; hocque illi per duas rationes suasi, primo ob demerendam gratiam Regis, deinde, quia ex sui honoris securitate erat, qui in sententiæ confirmatione consistebat.

Et omnino hoc fuit factu perquam necessarium; nam Pontifex videbatur hanc rem remittere Cardinali Campegio, sine cujus approbatione, nihil de eâ facere volebat, quæ res ut impedimento esse potuisset, ita nunc potest plurimum rem nostram juvare.

Itaque utilissimum fuit, illum bene præparare, ejusque nunc est dispositionis, ut omnia peragat, quæ erunt ex commodo et voluntate regiæ Majestatis, cui nil vehementius optat quam inservire in omnibus et, ejus mente cognitâ, illi se accommodandi. Effeci præterea ut Campegius omiserit suum iter Bononiam, nam illic nimium moratus esset, adeo quod in animo nunc haberet, si podagra permitteret, veniendi per dispositos equos, sicque post se relinquit ministros et omnia impedimenta, et illud iter faciet, quod nos voluerimus, ad majorem festinationem. Itaque decrevimus, ut per mare eat a Corneto Marsiliam usque, illudque iter confici posset tribus diebus. Ideo Baptistam meum misimus ad Dominum Andream Doriam, nomine Pontificis et oratorum Gallorum et nostrorum et agentis etiam hic Domini Andreæ Doriæ, diligentissimeque ibit ad rogandum Dominum Andream ut duas triremes velit nobis accommodare, easque Cornetum mittere ad suscipiendum legatum, magnâque arte in hoc utimur ne nobis denegentur; nam

cum magnâ difficultate adducetur ut triremes educantur ex Genuâ, quo, timetur ne eant Germani novi. Sed oratores Galli scribunt ut nullo periculo obstante, nobis satisficiat de triremibus, nam nihil gratius vel utilius efficere poterat Regi Christianissimo. Baptista conabitur obtinere duas triremes securas et non pestiferas. Interim Campegius hic res suas componet, et testamentum condet, et providebuntur equi ut Liburnum vel ad portum Veneris eat, si triremes non venirent Cornetum usque, Marsiliæ vero omnia præsto erunt, utpote equi, et alia necessaria; nam effecimus ut præsidens provinciæ, qui hic est orator Christianissimi, scribat et committat ut quamprimum omnia parentur. Et casu quo nequeamus triremes obtinere, Campegius iter terrestre faciet, sicuti securius et commodius visum fuerit et jam in Avinionem præmisit ad parandas sibi vestes, et alia neccessaria, et quum ad duodecim Leucas fuerit Lugdunnum prætergressus, ingreditur flumen Rhodani, et Parisium usque velocissime ibit, atque ita omni diligentia possibili utetur.

Number LXII.

Extract from a letter written from Viterbo by sir Gregory Cassali, June 15, 1528; relating to the Decretal Commission.

Ex literis domini Gregorii, die 15 Junii, Viterbii datis.

Record
Office.

TANDEM inceptum Commissionis in portum reduximus, ad quam obtinendam hoc pacto processum est; quia verebar ne Pontifex mihi deesset, nec servaret id quod mihi primum ac deinde Domino Stephano simul et mihi promiserat, videlicet quod daret Commissionem si Reverendissimus Dominus Campegius eam vellet portare. Ego contuli me ad Campegium, et imprimis convici Dominum Florianum sine quo nihil fieri potest, effecique quod ipse maturaverit rem, quam ego postea ad id redegei quod suprascriptum est. Deinde adivi Pontificem priusquam Campegius, ejusque Sanctitati dixi, quod Campegius non solum erat contentus ferre secum dictam Commissionem, sed etiam nos laudabat quod eam procuraveramus, et quod ipsemet eam procurare nolebat, quia nesciebat quomodo melius posset tutiorem reddere sententiam, quæ postea confirmaretur quam hoc, adeo quod si Pontifex volebat concedere dictam Commissionem, cito faceret; et ego dixeram Campegio, quod nos scripseramus in Angliam, Pontificem daturum esse Commissionem, si Campegius eam portare vellet, sicque Regia Majestas sciebat, nunc esse in manu Campegi sibi dare vel auferre dictam Commissionem, dixique nos hoc scripsisse ut augeremus ejus existimationem, adeo quod cogeatur vel nobis morem gerere, aut declarare se contrarium voto regis⁶¹. Hoc pacto procedendum est, quando dubitatur de synceritate etc. Pontifex nolebat nos aliquid dicere Campegio, quod allocuti essemus suam Sanctitatem de hâc Commissionem; sed bene me excusavi apud illam, cur id Campegio dixerim; attamen revera id feci ne Pontifex nobis imponeret. Profecto Pontifex invitus concedet hanc Commissionem quocunque modo, dicitque quod quicquid facit, non vult quod sciatur, neque palam, neque secreto.

⁶¹ Just opposite this there is in Wolsey's hand, *prudenter factum*.

Ex literis mei Baptistæ quem misimus Genuam, intelligetis quid egerit; quapropter scire poteritis, quando Legatus istic esse possit, licet hinc apud Dominum Lautrech procuraverim ut velit mittere duas triremes quæ supplebunt, casu quo illæ aliæ duæ non obtineantur, a Domino Andrea Doriâ, et præter eas expectantur [duæ] triremes venturæ ex Neapoli, quam ob causam, in mare misimus ad eas remorandas, ut si venerint, nobis possint inservire. Et sciatis pro certo, quod diu noctuque invigilamus in quibuscunque modis excogitandis pro hoc negocio maturando, et expedientissimum visum nobis est provisionem hanc facere per Dominum Lautrech; nam cum Germani Bergamo sint, et dicant se velle ire Genuam, quod si fecerint nullum remanebit terrestre iter tutum pro Legato, neque eo casu Andreas Doria ullo pacto triremes nobis concederet, neque cum triremibus Domini Lautrech adventum Legati maturabimus etc.⁶²

⁶² It does not appear to whom these letters of June 15 were addressed. But their contents were intended for Wolsey, who replies

to this letter, and appears to allude to the other in a letter of June 28, printed in *State Papers*, vii. 86.

Number LXIII.

Corrected draft of a letter of October 4th 1528, from Wolsey to sir Gregory Cassali, asking to be allowed to shew the Decretal Bull.

Vitell. B.
x. fol. 190.

MAGNIFICE Domine Gregori, etc.

Semper hæc Regia [Majestas et ego] optimum judicium fecimus de prudentiâ industriâ, [summâque] vestrâ in rebus arduis tractandis diligentîâ, et ingenti erg[a] nos fide. Cui etsi ad omnem occasionem semper antea cumulatissime respondistis, sic tamen vestras quodammodo vires in magno hoc negotio Regis promovendo, in Legatique protectione maturandâ nunc superâstis, nulla propriæ salutis discrimina detrectan[do], ut recenti hoc et omnium præstantissimo offi[cio] Regiam Majestatem effeceritis vestri vestrorumque omnium com[modi] et ornamenti studiosissimum, quem memor[em] ac] benevolum suum erga vos animum sic rebu[s] ipsis] brevi comprobabit, ut susceptorum laboru[m] nunquam] vos pœnitebit, hisque quandoque dulcissima req[uiet] sit] futura; ego vero qui hoc nomine me vobis per[petuo] astrictum fateor, et quem summâ Sanctissimi Domini [nostri in me] beneficiâ, incredibili studio, et vestrâ dilige[n]tiâ ab extremâ animi sollicitudine liberatum esse sen[tio], non prius conquiescam, quam argumento aliquo non vulgari, meam erga vos familiamque vestram gratitudinem et affectionem comprobavero, et quod totiens me facturum recepi rebus ipsis quam literis multo cumulatus præstem; fiduciam itaque omnem vestram in me reponite, vestrorumque meritorum memorem

fol. 190 b. me credite, efficiamque ut nullas existimetis a vobis horas melius hiis potuisse collocari quas in hujus clementissimi principis ministerio impendistis. Velim itaque bono animo sitis, curas omnes molestiores deponatis, et valetudinem imprimis curetis, quam brevi Regia Majestas ingenti beneficiâ exornabit; hocque⁶³ omnino statutum habet, ut ad primam occasionem,

⁶³ From *hocque* down to *perspicitatis* is a marginal addition. It is almost entirely destroyed by fire, but seems to agree with the State Paper

copy which is printed in State Papers, vol. vii. p. 95, from which it is here reprinted.

quam in horas expectat, sacerdotium aliquod opulentum fratri vestro conferat, quo honorifice se queat sustinere; et vobis nihilominus gratiam sejunctim referat, unde regium suum pectus optime erga vos affectum perspiciatis.

Sanctissimo autem Domino nostro ob tam grande in Regiam Majestatem collatum beneficium, ob affectionem vere paternam in gravissimâ hâc ejus causâ exhibitam, ob legatum missum, ob ea denique concessa remedia, quæ rem tantam juvare possent et absolvere, condignas nullas gratias dicta Regia Majestas agere potest, nedum referre. Sic enim ipsius expectationi satisfactum est, ut, quod ego de paterno studio, de singularique ei gratificandi desiderio sæpius affirmaveram nunc cumulatissime præstiterit, Regemque hunc potentissimum tenacissimo sibi vinculo adstrinxerit, qui nihil vigilantius aut ardentius meditatur, quam ut vel proprio sanguine partem aliquam Sanctissimi Domini nostri erga se meritorum quandoque assequatur; eo suas cogitationes directas habet, ut Sanctæ Romanæ Ecclesiæ tam diras calamitates pro viribus reparet, fol. 191. Apostolicam dignitatem instauret et [collapsam] sacrosancti istius senatûs decus duræque obnoxium servituti sublevet. In hoc præclarissimo instituto in strenuissimisque præstandis officiis sic dicta Regia Majestas decrevit opes regnumque suum impendere, ut non minus ecclesiæ propugnatoris quam fidei defensoris nomen suum sit relictura posteritati celebrandum. Persp[icit] namque, etsi quæ petiit a Sanctissimo Domino nostro sint justissima sanctissimæque, non tamen nisi incomparabili ejus [Sanctitatis] benevolentia potissimum interveniente, [his] præsertim temporibus, tam facile potuisse ab Apostolicâ sede impetrari; quam ob causam et beneficium majus agnoscit et debitum longe ma[ximum] fatetur. Affirmabitis itaque eidem Sanctitati futurum [nunquam] ut spe, quam tam ingenue in hoc invictissimo [principe] reposuit, fallatur, quam omni ego meâ gratiâ, in[genio], consilio et autoritate sic promovebo ut mea in Sanctissimum Dominum nostrum observantia, in Apostolicam sedem devotio, in senatumque nostrum addieta fides sit universo orbi manifestissima futura, ad idque innumeris acceptis beneficiis adstringor, vel eo potissimum nomine, quod non obscure perspicio, meæ leniendæ sollicitudinis, meæque salutis conservandæ fuisse hâc in re præcipue ab ipsius Sanctitate rationem habitam, et ut ex devinctissimo, nunc sum fol. 191 b.

Sanctæ Romanæ ecclesiæ et Sanctissimo Domino nostro devinctior factus; sic incredibili cordis exultatione id sum uberime consequutus, quod jam multis annis continuo voto, summâque industriâ moliebar, ut scilicet solidam aliquam occasionem nascerer, quâ optimum hunc Regem, opulentissimumque hoc regnum utcumque locorum sejunctum intervallo, fide tamen et observantiâ Sanctæ Romanæ Ecclesiæ perpetuo conjunctissimum efficerem, firmissimamque hanc columnam summo Ecclesiæ tuendo et conservando apici constantissime adjicerem. Nunc habet Sanctissimus Dominus noster sui juris Angliam universam, cui benignissime addidit quod unicum deerat ad solidam felicitatem solamen futurum quidem brevi, ut inclytum hoc regnum Sanctissimi Domini nostri beneficentiæ, optimum, prudentissimum, justissimum, clementissimum, omnibusque regiis dotibus ac numeris absolutissimum principem conservatum, regno partam quietem, Regiæque proli comparatam securitatem acceptam referat. Ex quibus benignissimæ dictæ Beatitudinis voluntatis tam certis exhibitis argumentis, firmissime nunc confidimus, nihil ab eâ omissum iri quod tam grande opus queat perpetuo stabilire, nihilque denegatum quod ejus autoritate inceptum negotium celerime, matu[r]ime firmissimeque possit absolvere⁶⁴.

fol. 192.

Illud igitur video maxime necessarium superesse, ut Decretalis Bulla, quam Reverendissimus Dominus Legatus secum defert, secreto legenda exhibeatur nonnullis ex regiis consultoribus, eo quidem consilio, non ut in iudicium proferatur, vel ad causam definiendam adhibeatur, sed solum ut perspicientes illi, quorum prudentia et autoritas non parva est, nihil a me fuisse omissum, quod causam Regis possit securissimam reddere, omniaque fuisse a Sanctissimo Domino nostro concessa, quæ in causæ firmamentum ullo pacto queant excogitari facilis, ubi Regiæ Majestatis securitati, regni quieti, et perpetuo totius rei stabilimento undique consultum viderint, in sententiam nostram deveniant, summâque cum diligentia et autoritate Apostolicâ ad Dei gloriam cuncta rectissime absolvantur. Proinde, Domine Gregori, iterum atque iterum vos impense rogo, ut ad Sanctissimi Domini nostri genua

⁶⁴ At this word the agreement between the draft and the corrected copy ceases. The draft continues with the passage *Illud igitur* down to *ardentius nihil*, as printed by Burnet, No. XVI.

devoluti, ejus Beatitudinem meo nomine obsecratis ut hoc reliquum meæ fidei meæque dexteritati de Bullâ Decretali ostendendâ committere velit; quam rem sic moderabor, ut nullum prorsus periculum, nullum damnum, nullum odium queat unquam sibi, vel sedi Apostolicæ provenire; hocque tam instanter precor, ut pro salute meâ conservandâ petere queam ardentius nihil.

Nunc superest, ut quæ de rebus publicis gravissima, et om- fol. 192 b.
nium maxime necessaria occurrunt Regiæ Majestatis nomine Sanctissimo Domino nostro significem, quo mature quæ ex temporum dubio successu forsâ imminent pericula amoveantur. Intelligimus inter Regem Christianissimum et Andream Doriam male convenire. Quâ aut occasione, cujusve rei culpâ, nec plane constat, nec sub hoc tempus de eâ re disputandum esse judicamus, ceterum ad rerum summam imprimis expedit, ut animus vigilantissime advertatur. ⁶⁵ Intolerabiles jam sumptus hi duo potentissimi reges sustinuerunt, eâ quidem mente ut pacem tandem Christianitati conciliarent, laceram Italiam ab impiâ servitute vendicarent, oppressamque et conculcatam Ecclesiam pristino nitori restituerent; quæ optima illorum consilia ad optatum pene exitum sunt deducta, nisi nostrâ nunc culpâ, discordiâ et negligentâ corrumpantur, irreparabili tot gravissimorum sumptuum jacturâ, perpetuoque totius Christianitatis malo sempiternâque sedis Apostolicæ captivitate⁶⁶.

⁶⁶ Duo itaque in Sanctissimi Domini nostri manu sunt, quæ in tuto possunt actiones omnes nostras facillime constituere Christique Ecclesiam felicissimam reddere. Unum est ne ejus Sanctitas ullo modo Cæsarianorum perfidiæ, quam tanto rerum suarum excidio plus nimio experta est, amplius se committat, illorumve subdolis pollicitationibus; aut aliorum adducta injuriis in Cæsaris partes inclinet, quod fol. 193.
certe illius . . . tantum publicæ existimationis adderet, ut fac[ile] in interitum omnia vergerent. Hoc igitur Sanctissimus Dominus noster vigilantissime caveat, accurate prospiciat, divinâque suâ prudentiâ animo secum iterum atque iterum rei magnitudinem volvat; apertissime enim cognituram ar-

⁶⁵ From *Intolerabiles* to *captivitate* is in the corrected letter. See State Papers, vii. 98.

⁶⁶ From *Duo itaque* to *constitu-*

erent the draft has been a little altered in the corrected letter. After this the two copies differ entirely.

bitror tam crudelissimorum hominum conjunctionem, omni peste et contagione accuratius esse vitandam qui semel Pontifice, ⁶⁷summoverunt reverentia omnis Christianitas debet conquiescere, in suas partes allecto⁶⁷, suam tyrannidem in rerum omnium audaciâ constituerent⁶⁶. Solis itaque his principibus quorum nunquam præsidio frustrabitur putet suam sanctæque Romanæ Ecclesiæ tranquillitatem] esse reponendam.

Alterum vero est, ut quibuscunque [modis] Andreas Doria contineatur, ne suâ virtu[te et] classe immanibus illis Cæsarianorum ne[gociis] adhæreat. Quod si inter Regem Christianissimum et illum su[per hâc re] controversiæ longius progressæ sunt, quam nunc fa[cile] componi resarcirive possint, nihil tamen de Regiæ Majestatis studio, [et in] eum animo imminutum est, a quâ multo major[a] . . . quam a Cæsare expectare potest. Quod parum vero de Cæsaris fide, post ejus restitutas vires, post suam adjutam ambitionem, post adauctum imperium expectare possit, illud sit locuplex argumentum, quod tot beneficiis a Regiâ Majestate affectus, humanissime tractatus, defensus, conservatus, solo mox omnia suæ ambitioni subdendi impetu provocatus, ab amicitia repente desilierit. Quid porro in Sanctissimum Dominum nostrum sub amicitia spe, quid in sanctam Apostolorum sedem, jubente sustinenteque Cæsare, crudelis ejus exercitus patrârit, aliorum sit judicium, qui quum odii semel concepti omnium sit tenacissimus, adeo ut amicitia fideique jura violare non subvereatur, quid Doriæ sperandum supersit a Cæsare, judicet ipse quem nullo affectu sed solum ultimâ adactus necessitate, Cæsar in suas partes pellicere conatur, maria montesque polli[cetur], eo quidem animo ut ejus ope adjutus, cladem totiens Domini Andreæ virtute suo exercitui illatam, victoriamque non semel impeditam, ulciscatur. Mille huic possent rationes addi, quæ a Cæsaris amicitia merito debeant Doriâ detertere.

Proinde Regia Majestas omnino rebus publicis et universæ Christianitati necessarium, saluberrimumque esse judicat ut Sanctissimus Dominus noster suo stipendio Andreâ Doriâ conducat, sibi adjungat, et liberalissime tractet.

Ad quam rem, quum forsâ majori ope sit opus quam possit ab ejus Sanctitate commode subministrari, Regia Majestas fir-

⁶⁷ The editor is unable to correct the evident mistakes in the MS. from *summoverunt* to *allecto*.

missimum in modum se ad ea omnia in Andreæ Doris commo-
dum perimplenda adstringet, quæ dicta Sanctitas et justa et
honestæ esse judicaverit.

In hanc igitur rem, Domine Gregori, omnes ingenii vires
intendite, et adnite Christianitatis summam laudem vobis
reportate.

Regia vero Majestas quæ publicam tranquillitatem privato fol. 194.
semper commodo præfert, ab omni sumptu ejus Beatitudinem
exonerabit, stipendiumque fidelissime subministrabit, adeo quod
res hæc nulli sumptui sed summæ gloriæ et commodo sit eidem
Sanctitati perpetuo futura.

⁶⁸ Tanta deinde sunt, tamque magna officia, quæ Reveren- Vitell. B.
x. fol. 67.
dissimus Dominus Sanctorum Quatuor, tum erga Regiam Ma-
jestatem, tum erga me, nunquam non amantissime exhibuit, ut
quum ea in agendis gratiis assequi conamur, id animo facilius
complecti, quam exteriori ullo propensæ nostræ in eum vo-
luntatis testimonio indicare queamus; ad nostrique in eum
summi studii et affectionis cumulum, nunc tantum accessit,
quantum vix unquam possit a nobis exsolvi; licetque de ejus
Reverendissimi Domini ingenti Regiæ Majestati et mihi grati-
ficandi ardore nunquam addubitaverim, sic tamen pectus suum
in Regiæ Majestatis promovendâ juvandâque causâ, sic in meis
seorsum curandis expediendisque negotiis, operam, fidem, au-
thoritatemque suam interposuit, ut non minora semper effe-
cerit, quam nos optare potuerimus. Quo certe nomine, ita
utrumque nostrum, suo suorumque omnium commodo et orna-
mento devinxit, ut non prius conquieturi simus, quam aliquo
indicio rebus ipsis nostram vicissim gratitudinem fuerimus
testati. Quot enim modis et quantâ sollicitudine Reverendissimus
Sanctorum Quatuor de nobis sit optime meritus, res præstita
indicat, et Dominus Stefanus Secretarius meus suo sermone ac
relatu assiduo prædicat; et quamvis munusculum illud olim
oblatum recusaverit, non tamen Regiæ Majestati satisfactum
esse potest, nisi memoris sui animi pignus aliquod exhibuerit.
Quocirca cum eodem Reverendissimo Domino dexterrime agite,
ut in familiari aliquo colloquio eliciatis, quibus rebus ille maxime
oblectetur, mihi que quam primum significate, num illi aulæa,
vasa aurea, aut equi maxime probentur, efficiamque ne putet

⁶⁸ From *Tanta* to the end is nearly rected letter. See State Papers, vii.
the same in the draft and the cor- 100.

apud principem inhumanum aut ingratum sua se officia collocasse. Intellexi quoque ex eodem Domino Stefano, quam ardentem idem Dominus Sanctorum Quatuor cupiat ædificium Sancti Petri absolvi, veluti monumentum illud religionis ac pietatis perpetuo futurum, quod certe ejus animi consilium, ut sanctum, ita dignissimum censeo, ut Christianorum principum liberalitatem quam plurimum mereatur; meo igitur nomine illi affirmabitis, sic meam me esse operam apud hunc Serenissimum regem impositurum, ut palam constet omnibus, me ecclesiæ membrum non omnino inutile aut stupidum esse.

De aliis vero rebus in quibus Sanctissimi Domini nostri benignitatem et Reverendissimi Domini Sanctorum Quatuor operâ et patrocinio Regiæ Majestati et mihi in præsentia est opus, per Dominum Stefanum copiose vos instruo, iterum atque iterum impense rogans, solitâ vestrâ diligentia et sedulitate ex nostrâ expectatione eas curare conficereque velitis⁶⁹.

⁶⁹ The letter of which this is a draft has been printed from the copy in the Record Office, in State Papers, vol. vii. pp. 95-101. It is here reprinted, partly because of several variations which it contains, and partly because two different portions of it have been printed in Burnet's Records, Nos. IX. and XVI. of part I. book II., one of which has been misplaced. The draft and the completed letter agree tolerably well, with only slight alterations and corrections, such as would naturally occur in such a document, as far as the words *possit absolvere*. After that there is a very partial agree-

ment, the letter having been much enlarged from the draft. The additions, within brackets, where the passage is burnt, have been made chiefly from the printed copy. The true date of Burnet's Records, No. IX., has been given in the Chronological Table of documents in the last edition of Burnet, but the editor had not discovered it when the document itself was printed off. It has been restored to its proper place, though the editor cannot be certain that a portion of the draft between this passage and the preceding has not been lost.

Number LXIV.

*The queen's protestation concerning the breve found in Spain,
dated Oct. 13th, 1528.*

IN DEI NOMINE, [AME]N. PER PRÆSENS PUBLICUM IN-
STRUMENTUM CUNCTIS APPAREAT EVIDENTER [ET SIT NOTUM
anno] millesimo quingentesimo vicesimo octavo, Indictione se-
cundâ, Pontificatûs Sanctissimi in Christo patris et Domini nos-
tri, Domini Clementis Divinâ providentiâ [ejus nominis Pa]pæ
septimi anno quinto, [mensis Octobris die tert]iâ decimâ, in
ædibus Serenissimi principis et Domini nostri, Domini Hen-
rici, regis Angliæ et Franciæ fideique defensoris, et Do[mini
Hiberniæ, generaliter] nuncupatis Grenwich Hosp[ital situ]atis
in quadâ altâ camerâ ibidem in nostrorum Willelmi Clai-
burgh, utriusque juris doctoris, et Johannis Talkern, notariorum
publicorum subscriptorum et testium inf[erius scripto]rum præ-
sentiâ constituta personaliter Serenissima Katherina, Angliæ
et Franciæ Regina, altâ suâ voce et intelligibili fatebatur,
asserebat, [affirmabat] ac protestata est, et recognovit non
requisita sed sponte, pure, simpliciter et absolute, sacrosanctis
Dei evangelii per eam tunc ibidem corporaliter tactis et de-
osculatis, jur[amentum . . . in præsentiâ] testium . . . firmi-
ter credit quod in Hispaniâ in manu sive potestate Serenissimi
Caroli Cæsaris Hispaniarum regis, et non alibi, remanet
quoddam breve [origin]ale, tangens matrim[onium inter]
ipsam Dominam Reginam et nostrum Serenissimum Regem;
cujus brevis exemplum tradi curavit eidem Serenissimo nostro
Regi. Et q[uod dicta Sere]nissima Domina Regina n[on in-
ten]dit uti aliquâ frivolâ dilatione, sed cum omni diligentia
et possibilitate suis, absque dolo, fraude aut malo ingenio, cum
citius poterit p[rocurabit] illud breve originale [tradi in manus
su]as, sive fuerit in manibus et potestate Cæsaris, sive alterius
cujuscumque. Et cum primum illud breve originale ad manus
suas devenerit, [eadem] Serenissima Domina Regina ill[ud breve
sic] obtentum et adeptum, pro veritatis declaratione, prout
justum et æquum videbitur, realiter producet et exhibebit.
Et quod mittet nuncium [inst]anter per consiliarios [suos, cum]

Vitell. B.
x. fol. 97.

mandato sufficienti, ad requirendum a Cæsare et aliis in quorum custodiâ dictum breve esse intelligetur, necnon in casu quo Cæsar aut illi [alii per] eundem procuratorem suum recusabunt mittere seu tradere dictum breve in Angliam deferendum, ad protestandum de damno et injuriâ præfatæ Dominæ Reginae per Cæsarem et illos [alios i]llatis propter detentionem [brevis]. Et quod eadem Domina Regina, certificata de dictâ recusatione, proponet de eâ re querelam apud Sanctissimum Dominum nostrum papam, et instab[it per] eundem ut omnibus modis quibus [exped]ire poterit, cogantur Cæsar et illi alii ad exhibicionem dicti brevis; hæc promisit facere et juravit.

SUPER quibus omnibus et singulis dicta Serenissima Regina nos not[arios publicos] antedictos sibi unum vel plura, publicum sive publica, instrumentum sive instrumenta conficere, ac testes inferius nominatos testim[onium] exinde perhibere rogavit et [requisivit].

ACTA fuerunt hæc omnia et singula, prout suprascibuntur et recitantur, sub anno Domini, Indictione, Pontificatu, mense, die et loco prædictis.

PRÆ[SENTI]BUS tunc ibidem Reverend[issimis viris] Cuthberto Londoniensi, Johanne Eliensi et Johanne Bathoniensi et Wellensi respective episcopis, necnon Roberto Shirton sacre theologiæ prof[essore, t]estibus ad præmissa vocatis [et requi]sitis.

Number LXV.

Concluding passage of a draft of a sentence of excommunication which it was desired Clement VII should put in force against those who should refuse to surrender the original of the breve. Drawn up probably in October 1528.

TIBI præcipimus quatenus omnes et singulos a[pud quos] Vitell B.
 brevis prædicti originale esse intellexeris, h[arum] literarum xii.fol. 155.
 vigore moneas, inducas, atque etiam in virtute obedienciæ, ac
 sub interminacione div[ini] judicii, illis mandes, quatenus tibi
 tradant, aut, expensis per te subministrandis, nostris in Angliâ
 legatis infra duorum mensium spacium monicionis per te factæ,
 computandum curetur ex h. . . . Recusantes autem id facere
 in quos, ex tunc prout ex nunc, et ex nunc [etc.] sententiam
 excommunicacionis ferimus, ipso facto incurrendam pro excom-
 municatis haberi debere denunciantes. Non obstantibus quibus-
 cunque, &c.

Number LXVI.

Draft of a Decretal Commission by which the pope was intended to declare the breve to be false.

Minuta Commissionis Decretalis.

Vitell. B.
xii. fol. 164.

CLEMENS, etc.

Cum causam matrimonii cha[rissimi] in Christo filii nostri, Henrici octavi, Angliæ Reg[is] illustris, fidei defensoris et Domini Hiberniæ, Circumspectioni vestræ in partibus illis, per alias literas nostras commiserimus terminan[dam], ad plenior, viz. ac celerior, ejusdem diffinitionem super validitate quarum[cunque] dispensacionum Apostolicarum cognoscen[di], omnem potestatem et auctoritatem nostram ex certâ scientiâ et de potestatis nostræ plenitudine demandantes.

Tenore literarum vestrarum, nobis innotuit, quomodo, quum ex quâdam sedis Apostolicæ dispensacione, more Romanæ curiæ consueto, bullatâ, ac in cartophilacio dicti charissimi filii nostri reperitâ, quæ multis ex causis minus valida et inefficax esse dicebatur, quæstio omnis illius matrimonii suborta esset, nec aliam ullam intervenisse dispensationem ab omnibus crederetur; tandem præter opinionem a[que] expectationem dicti charissimi filii nostri ac consiliariorum suorum, ex parte charissimæ filiæ nostræ Reginæ, exemplar cujusdam brevis productum et exhibitum est, ejus originale in Hispan[iis] esse allegabatur, ad eam quæ sequitur formam et tenorem conceptum. Dilecte, [etc.]

Cum autem breve præfatum in scriniis ejusdem charissimi filii nostri, diligentissime, ut asseritis, quæsitum, nusquam appareret, multorum statim animos suspicio invasit, breve hujusmodi si quod tale esset, falsum illud omnino et adulteratum esse, non tam quod in archivis illius principis ejus id maxime intererat habere, non extaret, quam quod in tractatu matrimonii *inter parentes facto, concluso et ratificato*⁷⁰ ubi de impetrandâ dispensacione Apostolicâ cavebatur, de bullâ, non brevi,

⁷⁰ These words are added above the line in a different hand.

mentio facta esset. Cum vero penitius singula introspiciebant et tenorem brevis præfati], verba ac sensus ejusdem pensantes, deprehensa, ut aiunt, intra duos annos proximos in dispensacione illâ bullatâ vicia in brevi hoc speciatim emendata animadverterunt, et ut ex datâ ejus[dem] brevis liquet, uno eodemque die, breve [et] bullam præfata emanâsse, non modo falsi[tatis] suspicionem sed etiam certam falsitat[is] notam tenere se affirmârunt, nullâ ratione eluibilem. Porro, quum ut ipsi dicunt tam evidens et pene notorium in se viciū hoc breve ostendet, nullam judicio futuro moram facere debere, nec ejus productionem expectandam, id quod eo fortius fieri debere allegârunt, ne causa quæ summam maturitatem desiderat, inani et frivola brevis cujusdam allegacione in immensum proteletur et differatur, non sine multorum offensione et scandalo maximo, Regiæ etiam successionis periculo gravissimo, si quid, quod fol. 168. Deus avertat, lite hæc pendente nec judicio declarato, humanitus acciderit; Quamobrem etiam, ut scribitis vos, quum causam Circumspectioni vestræ commissam eo fine decidere et diffinire] cupiatis, qui certus et inconcussus d[ebeat] manere, ac novis proinde dubiis emergenti[bus], nova consilia et certa remedia quære[re] studeatis, quæ rerum per vos judic[andarum] firmitati conducere arbitramini, nos desuper consulendos esse duxistis ut ad reprobacionem aut approbationem brevis præfati, propositis ut præfertur singulis circumstanciis, sententiæ nostræ calculum reportetis.

Nos vero, quem Divina Providencia Dominici gregis ovibus in verbo veritatis pascendis, in charitate et dilectione fovendis et alendis, pastorem præfecit, altioribus cogitacionibus præmeditantes quantum respublica caperet detrimenti, si veritati per mendacia præjudicaretur, nullumque certum hujus litis exitum unquam futurum si contra tot præsumptiones, non fol. 176. in hominum pectoribus solum, sed in ipsis etiam rebus insitas atque infixas pro brevis præfati veritate pronunciaretur, semperque controversiæ materiam mansuram, unde jus successionis illius regni maximo omnium motu et perniciosissimâ sedi[cione] concuteretur, quibus malis occurrere et obviare tenemur, ea semper pro pastoralis nostro officio et supremæ auctoritatis nostræ modo acturi et facturi, quæ pacem, quietem et tranquillitatem gignere, producere et augere queant, dicti brevis originale nobis exhibitum perlustrantes, ac non

modo chartam, sigillum, signaturam et charecteres, sed etiam tenorem ipsius acrioribus iudicii nostri oculis intuentes, quum in illis multa deprehendimus quæ ad breve præfatum de falsitate redarguendum merito sufficiant, atque ideo ex istis aliisque causis animum nostrum moventibus ipsum breve pro falso et nullo rep[utandum ducentes] Circumspectioni vestræ mandamus, qu[atenu]s ea quæ illius brevis occasione allegari quea[nt] rejicientes, in causâ ipsâ juxta formam aliarum literarum nostrarum ratione præviâ procedatis⁷¹.

Number LXVII.

Conclusion of a second copy of the preceding draft.

Vitell. B. AC proinde brevis præfati tenorem acrioribus iudicii nostri
xii. fol. 154. oculis intuentes, quum in illo ceterisque circumstantiis multa deprehendimus quæ licet tanquam ce[r]ta] suspitionum capita canonibus hactenus prodita n . . . sint, sunt nihilominus talia tantique momenti ut ad breve præfatum de falsitate redarguendâ po[ssint] sufficere. Circumspectioni vestræ mandantes quatenus brevis præfati originale exhibitum termino competente vestro arbitrio perem[ptorie] assignando, expectantes illud quum apud vos p . . . fuerit, solerti diligentia perlustretis in quo . . . in chartâ, charecteribus, signaturâ et sigillo si . . . inveneritis aut præfatas suspitiones veras esse vobis constit[erit] ipsum breve falsum et adulterinum esse declarantes in causâ ipsâ, ratione præviâ, juxta formam priorum literarum nostrarum procedatis.

⁷¹ This document commences at fol. 164; fol. 167 is blank. It is continued on fol. 168, and the conclusion of it is on fol. 176. The endorsement, "Minuta Commissionis Decretalis," is on 177 b. Its commencement forms Art. 33 of the Cottonian Catalogue, and its conclusion, of which no notice is taken

in the Catalogue, comes after Art. 35. It is otherwise erroneously described there, as having reference to the bull instead of the breve. There is another draft of this document in the same volume, at fol. 150, which resembles this copy as far as the words *producere et augere queant*, and proceeds as in Number LXVII.

Number LXVIII.

Fragment of a letter which appears to have been written by Wolsey to the ambassadors in Spain, urging them to endeavour to discover evidence which may throw suspicion on the breve. Probable date, Nov. 1528.

ILLUD etiam vos nollem latere, quantâ hic sollicitudine, quam multis modis et viis cernamus ut brevis præfati originale ad nos deferatur, et exhibeatur in ubi si verum est *pro tali promunciabitur*⁷²; verum si falsum, quod arbitror, verisimilitis acrioribus, et diligent[er] oculis perlustratum, facile se ipsum reprobabit; quâ in re præjudicium in Hispaniâ vobis intervenientibus fieri nollemus, ut j[am supra] admonuimus. Sed ut modos aperiam quibus orig[inale] ipsum apprehendere studemus. Primum cum Reg[inâ] effectum est ut ipsa mittat ad Cæsarem; atque ad [eum] mittit nunc unum ex suis, mandatis et instructione hoc suffultum, ut ipsum breve, quum sit proprium Reginæ nostræ instrumentum, nomine ejusdem petat, maximâ cum instanciâ protesta-
 turus etiam de injuriâ gravissimâ [et] maximâ, quo casu id neget, quâ viâ si successerit [quo]d cupimus, cæteri modi haud erunt necessarii. Sin minus, [summ]a diligentia a vobis exhibenda est ut cætera aliquem effectum sorciantur, [e]t viz. Pontifex, ut pensatis diligenter hiis omnibus, quæ non in breve astuto ingenio excogitat[a sint], ex ipsius brevis tenore, cæterisque circumstanciis sic netur, ut non quæsitæ sed oblatae videantur, pastorali suo officio curare dignetur ut præfati brevis originale hic exhibeat, scribatque ad Cæsarem eâ de re, mandetque proferri⁷³ et instrumento auctentico significetur ut elap[so] termino, quemadmodum in rescriptis cavetur, ad [judicium] procedatur. Nihil in hac causâ dilacionibus molles[tius], nihil indignius quam tali brevi prætenso, causam protela[rî], quæ finem maturum et celerrimum desiderat.

Vitell. B.
xii. fol. 157.

fol. 159.

⁷² The words in italics are erased.

⁷³ Between this and the succeeding word there is a leaf inserted, which is vacant, except that it has

the following endorsement: *Literæ Clementis Papæ ad Commiss. suos præcipiendo quod examinent falsitatem brevis.*

Præsertim quum tale sit breve, ut illud non modo de falsitate suspectum, sed etiam pro falso nostris opinion[ibus] habeamus. In hoc autem laboramus, ut quale [illud] judicemus, tale esse aliis probemus, viz. ut quod sit [falsum] appareat, et, multis suspicionibus quas supra rec[itavimus i]mpetitum, probabili etiam judicio reprobetur. *Quamobrem*⁷⁴ . . . suspicionibus, si Dominacio vestra ex hiis quæ ibi deprehenditis . . . aliquid adjicere poterit, ut cumulus suspicionum angeatur, et veritas clariori probacione eluceat, rem gratissimam et acceptissimam Regiæ Majestati faciet, atque etiam Deo si veritatem pro-

fol. 159 b. [bacionibus] illis [def]endet, Observare itaque velit Dominacio vestra diligentissime, atque etiam, si opus sit, conductis [m]ultâ pecuniâ speculatoribus, scrutari et investigare quid ibi lateat suspicionum, illudque eruere conari, quibus [a]uctoribus, quorum consilio, quibus intervenientibus . . . hoc breve confictum sit. Nam confictum . . . esse ut verbis appellamus, sic etiam interiori cogitacione persuasumque habemus, fallaciamque hanc tandem in . . . prodire, id quod si vestrâ operâ prævertatur et prius deprehendi possit . . . rit absolutissimum dum simul et veritati patrocinium . . . bitis orum fallacias ac technas detegetis, qui matrimonii tanti causam discussam et expeditam vanis et ficticiis ac ementitis brevibus suspendere, et differre conentur, [non] sine maximo multorum discrimine et periculo, sive quis tocius hujus regni successionem animadvertat.

⁷⁴ The words in italics are erased.

Number LXIX.

Heads of Instructions given to Brian and Vannes when they went to Rome, in December 1528, in Vannes' hand; corrected in two places by Wolsey.

*Capita rerum expediendarum ex instructionibus Regis,
Domino Francisco Briano et Petro Vanne.*

EXPEDITIO commissionis legatis pro compu . . . dandæ. Vitell. B.
x. fol. 197.

Expediitio commissionis Decretalis in unam vel alt[eram] formam, in quâ, omni ratione et conatu maxime insistendum est, inferendo etiam illa quæ sunt eis in pect[us] data.

Avocatio causæ, cum promisso, et obligatione sub chyrographo Pontificis, quod infra duos vel tr[es] menses ad summum dabitur sententia pro Reg[e].

Declaratio Pontificis per bullam quod matrimo[nium] ab initio ex causis congestis in libellis confectis, aliisque causis animum suum mov[entibus] et ex plenitudine potestatis no[n esset] verum, et quod detur facultas Reg[i contra]hendi cum aliâ etc. cum legitimatione prolis.

Quod Reginâ ingrediente religionem, papa [possit] dispensare ut aliam ducat cum legitimatio[ne prolis].

Quod possit duas ducere uxores cum legitimatio[ne] prolis ex secundâ.

Verba dicenda Pontifici per Petrum Vannem de periculis futuris, casu quo non sit satisfactum Regi et Regno.

De trahendis amicis in partem Regis, verbis, pollicitationibus et aliis modis quibuscunque.

De advocatis conducendis.

De scrutinio faciendo cum omni cautelâ, ut res non propaletur.

De Scriptoribus tempore Julii, Leonis, Hadriani, et Clementis moderni.

De literis legati Campegi Magistro Jacobo Salviati.

De muneribus, sive annuâ pensione sibi dandâ, casu quo possit regiam causam perducere ad effectum.

De lucrandis et attrahendis Cardinalibus in partem Regis, et præsertim Sanctorum Quatuor.

De diligentia scribendi, non parcendo laboribus neque expensis.

De diligenti inquisitione eorum quæ tractantur per generalem, et, præsertim in causâ Regis.

Quod afferant secum pro eorum maturiori informatione exempla omnium hic conceptorum.

De commissione pacis *pro præsidio circa personam sanctissimi domini nostri et pro defensione personæ suæ.*

De literis Regiæ Majestatis et Legatorum ad Pontificem et alios.

De pecuniis per Cambia.

De rebus Scotiæ declarandis Christianissimo Regi ⁷⁵.

⁷⁵ The corrections in italics are in Wolsey's handwriting.

Number LXX.

Draft of instructions as to the method to be used in examining the breve, December 1528.

PRÆSUPPOSITO quod serenissima Regina velit uti dispensatione sibi concessâ per Julium secundum per breve sub anulo piscatoris, necesse erit, quod originale in iudicium producat, ut facilius possit investigari de veritate vel falsitate ipsius, attentâ diversitate in substantialibus cum bullâ sub plumbo ejusdem dispensationis et Datæ, quo origin[ali] producto, poterit primum considerari et inspicere ad solem, an appareat aliqua rasura et maxime in substantialibus. Secundo poterit considerari, an scriptura abolita in et eâdem cartâ albata sit aliquid denovo scriptum.

Vitell. B.
xi. fol. 106.

Tertio poterit inspicere, an chartæ abrasæ alia sit et cum glutino sup[er]imposita.

Item poterit considerari, si litteræ in syllabis et syllabæ in di[ct]ione] et dictiones in lineâ magis distinctæ sint in uno quam in ali[o,] vel sit lues et deformitas in chartâ.

Item poterit considerari sigillum piscatoris, an sit ejusdem [formæ] et figuræ cum aliis sigillis brevium Julii, quod ex comperatione poterit constare, et an cera sit dissoluta, et destructos habeat . . . res et impressionem.

Item poterit considerari an breve sit unâ vel diversâ manu scriptum, an ultima linea sit completa juxta stilum.

Item considerandum erit, si adsit subscriptio secretarii solita, et in lo[co] consueto, quæ ex aliorum comparatione agnoscere poterit.

Item consideranda erit charta, si sit antiqua et litera recens, et an breve sit secundum stilum Romanæ curiæ.

Item si sit in eo falsa Latinitas, vel aliqua insit repugnantia.

Item fiat comperatio stili et literæ, poterit enim ex horum diversitate et ex pluribus aliis falsitas deprehendi in facto.

Item poterit in curiâ diligentia adhiberi, si reperiatur registrum br[evium] tempore Julii emanatorum, et videre num inveniatur hoc quoque, et in[ventum] an concordet cum hoc vel non.

Item consulendi erunt aliqui advocati et procuratores experti, et bene informati de stilo curiæ qui poterunt multa in propositum afferre.

Ultimo loco consulendus erit Sanctissimus Dominus noster ut, accedente ejus auctoritate, omnia fiant ad veritatis indagationem.

Number LXXI.

Draft of a promise to be made by the pope, to decide the cause of the divorce within three months after the avocation; sent by Knight and Benet, in December, 1528⁷⁶.

Promissio Papæ quod infra tres menses consummabit Divortium post advocacionem causæ.

CUM nos, merita et circumstantias cujusdam causæ matrimonialis, quam charissimus in Christo filius noster Henricus octavus Angliæ Rex illustris, fidei defensor et dominus Hiberniæ contraversam habet, perpendentes, illam non modo celebrem et maturam diffinitionem exigere, sed etiam, singulis diligenter pensatis et trutinatis, omnino exposcere ut contra matrimonium sententia feratur, ac proinde ad firmiorem, validiorem, et efficaciorum dictæ causæ conclusionem, eam in manus nostras advocare in animo habeamus, viz. ut supremâ nostrâ auctoritate discussa, certum et inviolabilem exitum assequatur; Interim vero summopere cupiamus dictum charissimum filium nostrum de certâ regni sui successione sollicitum, ac hujus causæ finem cum desiderio expectantem, de frustracionibus et delacionibus securum in nostrâ pollicitatione et fide acquiescere; promittimus, et in verbo Pontificis pollicemur, quod infra tres menses a tempore advocacionis dictæ causæ computandos, sententiam divorcei proferemus, ac absolutam nostram potestatem interponentes, eidem charissimo filio ad secunda vota commigrandi licenciam dabimus, et facultatem bullis nostris validissimâ formâ confectis, ad conscienciæ ejusdem tranquillitatem, et firmam regni sui successionem, id testaturis et confirmaturis ad perpetuam ejus rei memoriam conservandis.

Vitell. B.
xii. fol. 247.

fol. 148.

⁷⁶ See State Papers, vii. 135.

Number LXXII.

Original letter from Bryan and Vannes to Wolsey, in Vannes' hand, written from Chambery, giving their opinion of the pope's intentions, December 28th, 1528.

Vitell. B.
x. fol. 186.

REVERENDISSIME in Christo pater et Domine, Domino observandissime, pos[t humillimas commendationes].

Hâc ipsâ nocte, circiter horam decimam, dum [conven]iremus in hospicium nostrum, advenerunt quidam Dominus Franc[iscus] Campanus, a Pontifice missus, alter vero Vincen[tius] Casalius a Domino Gregorio ad vestram Reverendissimam Dominationem desti[natus], atque ubi nos salutâssent, et pauca quædam de itin[eris] molestiâ essemus colloquuti, Vincentium Senocami[um] et de Pontifice primum, mox de eorum adven[tûs] causâ interrogavimus. Is postquam nos cognovi[t], visus est libere, in hæc verba loqui. Pontif[ex nec] rationibus, nec minis unquam adduci poterit [omnino] quod permetteret ut Dominatio vestra Reverendissima bullâ ill[â] potiatur quam Dominus Campegius habet, in causâ Regi[æ] Majestatis; asseruitque ejus Sanctitas existimare se, quod nunq[uam omnino] fallatur fides de illâ nemini ostendendâ præ[terquam] Regi[æ] Majestati et vestræ Reverendissimæ Dominationi; dixitque nisi eam jam concess[isset] nunquam concessurum esse. Ergo, inquit Dominus Gregorius, Sanctitas vestra nullam Regi[æ] Majestatis meritorum, nullam gravissimæ causæ rationem vult habere, sed potius tam optimum Regem cogere, ut aliunde sibi consulat quam per sedem Apostolicam. Dixit se non credere id factum iri a Regiâ Majestate, sed si fecerit, non tamen ideo ipse digredietur a suo officio et instituto, videturque Pontifex minas nihili facere.

Pontifex, ut audio, hunc misit ut ejus Sanctitatem excuset, innumerasque causas afferat, cur nequeat Regi[æ] Majestatis voluntati adnuere. Sed Dominus Gregorius alium misit, ut ostendat Regi[æ] Majestati et Dominationi vestræ Reverendissimæ non illas quas Campanus adferet causas, sed has quæ

sequuntur Regiæ Majestatis negocium impedire. Videlicet Pontifex a Cæsare timet, quod videat illius vires in Italiâ esse, vel brevi futuras, Gallis superiores. Non audet, ne nutu quidem illum offendere, quem veretur Italiæ Dominum brevi futurum; id quod etiam ex quibusdam vaticiniis conjicit. Pontifex sperat sua se posse illius medio recuperare, adeo quod (ut Dominus Gregorius putat) non nisi depressis Cæsarianis quicquam obtineri poterit a Pontifice. Archiepiscopus Capuanus Romæ est, et totis viribus impedit hoc negocium, dixitque Cardinali Mantuæ, se dedisse consilium Pontifici, ut omnino ab hac re abstineat, alioquin se, suos et omnem Ecclesiam destruet. Cardinalis Maguntinus Pontificem admonuit, si hoc divortium sequatur, omnis Germania et Lutherana conjuratio in eum grassabitur, quod haud dubie provenit ex astutiâ Capuani. Jacobus Salviatus dixit Domino Gregorio, Pontificem metuere, ne generale concilium et in suu[m] excidium] habeatur. Igitur ut illud differat vel tollat [conatur, fol. 187. Timet] facto aut dicto Cæsarem offendere. Pontifex jam[pri- dem] intellexit responsum datum Domino Silvestro, suspicatur Cæsaris adventum in Italiam, putat illum velle istos potentissimos Reges disjungere, conatur cum Italis [ex] suâ sententiâ res componere, hæc omnia videt Sed aliud nullum videt aut admittit remedium, quam [sibi] Cæsarem amicum conservare, jamque intellexera[t sua] Sanctitas generalem Genuæ esse et afferre mag[nas con]ditiones, sed, ut multorum erat opinio, in potius Cæsaris commodum, quam publicum omni Pontifici concessurus, dummodo ab eo pr[ius] aliquam pecuniarum summam emungeret. D[ominus Da]rius suadebat Pontifici pessime facturum in suas et universalem pacem simul, et non separa[tim] conclude[re] Ancipiti tum erant animo, et veremur ne nunc, q[uum] Romæ sit, generalis, in partes Cæsaris ind[ies] magis confirmetur fiat⁷⁷. Hæc non scribimus, ut de Pontifice judicemus, sed de Vincentii Casalii verbis, et adhuc de rebus publicis non sumus alloquuti Franciscum Campanum; mox si quid ab eo cognoverimus inferius addemus.

Interim hic videmus, per Galliam scilicet plebem omnem quæ transeuntibus fit obvia, ad sanguinem usque exhaustam, et nobiles Gallos ex Italiâ redeuntes, partim de rege, quod

⁷⁷ Possibly a confusion between *confirmetur* and *confirmatus fiat*.

non subministrentur stipendia [aut] saltem, quod sine extremo supplicio eis non liceat, ut Cæsarianis, vitam interea ex raptu ducere; partim vero de Venetorum compositâ cunctatione, et in Gallos milites inhumanitate conqueri, usque adeo ut istis eisdem conditionibus non facile videantur amplius adduci posse, ut rursus in Italiam redeant. Hæc scribimus ut vestra Reverendissima Dominatio penes se habeat, nec ea Cardinali Campegio, Oratori Veneto, aut Regis Christianissimi referat, sed ut sciat Venetos, potius ne noceant, dextere in fide esse continendos, quam sperandum ut præsentī aliquo facinore rebus Christianissimi unquam prosint, id quod plus nimio compertum habent Cæsariani. Humillime rogamus Dominationem vestram Reverendissimam, ut audaciam hanc boni consulere dignetur, solitâque suâ prudentiâ cætera prospicere.

fol. 188.

Diximus Vincentio Casalio,—Quo pacto fiebat, ut sine suspitione, cum Campano conjunctim iter faceret, et sciret Pontifex Campani adventum longe diversum Domini Gregorii actionibus? Respondit, Dominum Gregorium Pontifici affirmasse, se mitti ob privatas solum Domini Gregorii causas, Pontificemque dixisse,—Bonum erit ut conjunctim eant, quo in itinere colloquentes, ejusdem uterque cum Reverendissimo Domino Eboracensi sententiâ loquatur. Id ubi intellexisset Dominus Gregorius, ne suspicionem Pontifici injiceret, probavit, sed unu[m] in mandatis dederat ut accurate sermones [suos], cum illo diserneret, et ab eo quantum potuit eliceret. A Campano itaque inter loquendum intellexit, literis [ea] fuisse Campegio præcipue tradita in mandatis, pr[imum] ut, quoad posset, Regiæ Majestati divortium⁷⁸, et [serenissimæ] Reginæ, ut religionem ingrederetur, suaderet. Quod si non proficeret in altero, de æquitate c[ausæ] pluribus ageret, expeditionem vero protrah[eret]. Sed ista coram Vincentius referet cumulatius.

Prothonotarius Gambara, Bononiæ agens, [nuper] Andreæ Casalio dixit,—Generalis propt[er res] titutionem civitatum etc. petet a Pontifice [ingentem] pecuniam et creationem quatuor Cardinalium q[ui] Cæsari ducenta millia ducatorum, dixit Cæsarem venturum in Italiam, et scire eum fut[urum] amicum Pontificis.

⁷⁸ After *divortium* there appears to be omitted something like the word *dissuaderet*.

De repentino illo assultu adversus Dorian jam arbitror Dominationem vestram Reverendissimam fuisse ex Galliâ certiorum factam, et Dominus Brianus ad Regem scribit. Et felicissima ipsa valeat, cui nos humillime commendamus.

Ex Chambry, die 28 Decembris, 1528,

Your humble servant,
Franssis Bryan,

Humillimus ac perpetuus servus,
Petrus Vannes.

Number LXXIII.

Letter from Bryan and Vannes to Wolsey, written in Vannes' hand, from Florence, giving the details of their interview with Gambara at Bologna; Jan. 9, 1529.

Vitell. B.
x. fol. 15.

REVERENDISSIME atque illustrissime Domine, et Domine observandissime, post [commendationes].

Hodie incolumes Florentiam pervenimus. [Nullas omnino] itineris difficultates atque pericula quæ Dominus [Brianus] suis literis uberius quam nunc ego communibus iis ver[bis] testari potest, perscribemus, sed ea duntaxat significabimus, de quibus Bononiæ cum Domino Gam[barâ] loquuti sumus.

Quinto itaque hujus mensis die, [ubi] Bononiam accessissemus, Dominus prothonotarius, illius [urbis] gubernator, nostri adventûs præmonitus fratrem [suum] præmisit, qui nos vel officiû gratiâ renite[n]tes, illius ædes, Pontificias scilicet, deduxit, ubi [gubernator] ipse, ingenti nobilium virorum frequentia [comitatus] et magnâ militum catervâ stipatus, hu[manissime] nos complexus, excepit; et statim de [Regiæ Majestatis] valetudine ac felici statu, vestræ[que Reverendissimæ Dominationis] incolumitate et prospero rerum successu, [multa] perunctatus est, visusque est ex ani[mo] gaudere omnia nobis felicissima referentibus et d[e] vestrâ in eum benignitate, complura addentibus. [Monuit ut] vestes equestres exuerem. Dominum Brianum s[eduxit] ac de Regiæ Majestatis negotio accurate interrogavi[t]. admirarique visus est rem adhuc non esse omni e[x] parte confectam, præsertim quod scire se, Domino Bri[ano] affirmaret, sufficientes ad id commissiones Reverendissimæ ac Illustrissimæ Dominationi vestræ et Reverendissimo Domino Campegio fuisse concessas, [Sanctissimum]que Dominum nostrum dixisse, quameunque sententiam vestræ Reverendissimæ Dominationes tulerint, eam se statim confirmaturum. Hos sermones, ubi Dominus Brianus mihi retulisset, decrevimus, quum dextere a nobis fieri posset, illius animum tacite explorare; multis enim hic indiciis perspeximus, non exigam ejus esse apud Sanctissimum Dominum nostrum, au-

fol. 15 d.

thoritatem, quum Bononiæ status, major videlicet Pontificii statûs pars, illius nutu et arbitrio regi, crebroque a Pontifice tum nuncios, tum literas ad eum destinari videremus. Atque ideo postquam Regiæ Majestatis ac Reverendissimæ Dominationis vestræ literas officiosas et credentiales reddidissemus, quas ille reverentissime accepit, summatim diximus, nostræ ad Pontificem protectionis causam esse, ut ejus Sanctitati exponeremus, ingens, Serenissimi Domini nostri Regis erga universale bonum, studium, et filialem erga ipsam, observantiam, et assiduam ecclesiasticæ conservandæ dignitatis curam; id quod Dominus Prothonotarius respondit multo sibi compertius esse, quam nos ullis verbis possemus explicare, in quâ Regiæ Majestatis optimâ augendâ et conservandâ voluntate, sciebat Reverendissimam Dominationem vestram, occasionem nullam prætermittere; eoque nomine, Sanctissimum Dominum nostrum et sedem Apostolicam Regiæ Majestati ac Reverendissimæ Dominationi vestræ maxima quæque debere. Mox Dominus Bri- fol. 16.
 annus, hæc verba sub[jecit]—Reverende Domine gubernator, non ignorat vestra [Reverenda Dominatio] id quod nos possumus abunde testari, qu[am fiduciam] semper antea et nunc Regiæ Majestas in vestrâ Reverendâ [Dominatione] collocaverit, et quam fidenter rerum suarum omnium illam participem effecerit; nunc vero quum sciat [Reverendam] Dominationem vestram multa apud Pontificem posse, et in suæ [Regiæ] Majestatis gratiam omnia velle, ejus nomine nunc [Reverendam] Dominationem vestram rogamus, quod suam gratiam sic apud [Pontificem] velit interponere, ut si quid forsitan [ab illo] petetur ad Regiæ causæ firmamentum i[d statim], vestrâ operâ intercedente, impetremus. [Respondit], montes pollicitus est et tam solemnî [jurejuran]do, ut vel ethnico, et publicano fide[is posset] haberi. Sed inquit, Cur a legatis non [profertur] sententia? Putavi ego Petrus non esse et nihilominus de productâ brevis cop[ia non] dicendum.

Putatne, inquam, Dominatio vestra Reverenda, memoriam ullam meritorum Regis [Pontificem] tenere, et eo tempore præstitorum, quum existima[batur] futurum nunquam ut ejus Sanctitatis operâ egeret? Putatne, inquam, Dominatio vestra Pontificem eo esse animo ut hu[ic] sanctissimo et plusquam necessario Regiæ Majestatis vo[to] velit tandem satisfacere, nec alio ullo respectu addu[ctum iri ut illud] clanculum perturbet fol. 16 d.

aut differat. [Ille] hoc respondit, Plane nihil dubitandum est. Ergo, inquam, si hujus animi Pontificem repererimus, facile obtinebimus quæ Regiam causam securam reddere possunt. Omnia, respondit, arbitror, vos impetraturos, præterquam decretalia. Nil ergo dabit Pontifex, quum decretalium concessione maxime sit Regiæ Majestati opus? Inquit ille, Quid eis opus est quum omnia sit Pontifex confirmaturus? Quid, inquam, si Pontifex moreretur? Quid si, ut homo, sponte vel coactus mutaret sententiam? Quid si aliud statuere in mentem veniret? Quam grave inde causæ præjudicium afferretur. Quam graviter Regius honor, et irreparabili totius regni malo, læderetur. Vellem, inquit, omnia concederet Pontifex. Sed post Domini Stefani discessum, Cardinales Sanctorum Quatuor et Simonetam [eo]nsuluit, qui aperte consuluerunt, ne ullo pa[cto] id faceret. Cur ergo consultores isti, Domino Stefano præsentem et instante, non aperte dixerunt, hoc non debere a Pontifice concedi, suique consilii rationes addiderunt? Eo, inquit, consilio reticuerunt ne iudicibus præjudicarent. Quid ergo, dixi, opus est, ut tanto respectu moveatur? Quid, inquit, si Pontifex se adstringat ut quaecunque sententiam tulerint legati eam intra bimestre confirmat? ⁷⁹ mus, sed ubi animum Pontificis cognovimus, cum ad Regem nostrum perscribemus, D cupere se dixit ut Romæ adesset, m interim offerens, casu quo Regia causa c effectum sortiatur. Dixit se scripturum ad Sangam qui si rescripserit, ejus præsentiam, posse negotium juvare. Statim veniet, alioquin pro officio, tatem obtulit. Mihi præterea Petro secreto [dixit]—Pontifex forsitan timet ne si indicatur concilium, illi objiciatur, quod novum jus in re tantâ cond[iderit] et veteri detraxerit ad solam principis g[rati]am, et ea satis justa causa privationis cer queat, diximusque non decere Pontificem adductum metu, de principe optime merito, sanctissima male mereri. Adduximus [præterea] Pontificem Alexandrum in re consimili, [adversantibus] consiliariis, Regi Hungariæ satisfecisse; judicare [posset] prothonotarius quam disparia essent merita Regis [hujus] et Regis Hungariæ; omnem ille operam navat[urum] se promissit, quum diximus nos esse ab eventu maturos, et de hac re nos plura sumus loqu[uti] Dominusque Brianus de

fol. 17.

⁷⁹ Here a whole line is burnt off at the top of the page.

omni sermone Regiam Majestatem suis literis certiores nunc facit.

[S]pes omnis a Generalis adventu derivatur, et pacem haud fol. 71 d. dubie subsequaturam confido, si Rex Christianissimus v[elit] omni jure Ducatûs Mediolani cedere, et præsentem pecuniam pro filiorum redemptione solvere, ex quâ contentus erat Cæsar acceptum mutuum Regiæ Majestati satisfacere. Sed de his nil certi possumus scribere donec ad urbem venerimus.

Nunc vestram Reverendissimam Dominationem supplices obsecramus ut nostrum hoc iter, et imprudentes actiones boni con[su]lere dignetur et pro successu fidem volunta[temque] metiri.

Tantâ hinc festinatione Regis Christianissimi orator Ta[bel]-larium destinavit, ut incultas et impolitas has literas mihi rescribere non licuerit, Et diutissime valeat Reverendissima Dominatio vestra. Cui nos etiam atque etiam humillime commendamus⁸⁰.

Florentiæ, die 9 Januarii, 1528.

Ejusdem Vestræ Reverendissimæ Dominationis,

Your humble sarvant,

Franssys Bryan,

Humillimus ac perpetuus servus

[Petrus Vannes.]⁸¹

⁸⁰ The corresponding letter to the king, written on the same day, in English, by Bryan, and signed by both Bryan and Vannes, may be seen in 'State Papers, vol. vii. p. 143.

⁸¹ Petrus Vannes is lost at the bottom of the page.

Number LXXIV.

Letter from the king to Salviati, accrediting Gardiner.

Record
Office.

HENRICUS Dei gratiâ Rex Angliæ et Franciæ, fidei defensor ac Dominus Hiberniæ, Magnifico ac Illustrissimo Domino Jacobo Salviato, etc., amico nostro carissimo salutem.

Quum vestrum ad omnem occasionem de nobis optime merendi studium, summamque erga omnes nostros benevolentiam, non solum oratorum nostrorum istic literis, sed multorum etiam relatu perspectissimam habeamus; nostrumque vicissim in vos benevolum animum manifesto aliquo signo declarare cupiamus; frequenter ad vos scribere, vestræque confidenter uti operâ non veremur, idque eo libentius facimus quod ansam, et animum vobis dare optamus ad parem fiduciam in nobis collocandam; pollicemurque voluntatem et operam nostram, vestrisque vestrorumque occurrentiis omnibus semper promptissimam fore. Interim vero quum gravissimis nonnullis de rebus, non solum commune Christianitatis bonum, et tranquillitatem, verum etiam nos ipsos regnumque nostrum potissimum concernentibus, dilectissimum consiliarium nostrum Dominum Stephanum Gardinerum, Juris utriusque doctorem, ad Sanctissimum Dominum nostrum, Oratorem impræsentîâ destinaverimus, in mandatis ei dedimus, quod vobis nostris verbis salutem ex animo dicat, nonnullaque etiam communicet, quæ ut nostram animæ corporisque salutem, et regni nostri securitatem continent, ita etiam ejus Sanctitatis, Apostolicæque sedis honorem et ecclesiasticæ dignitatis conservationem, totiusque reipublicæ Christianæ quietem maxime concernunt.

Sed distinctius ac uberius ex sermone dicti Domini Stephani, qui intimos animi nostri recessus et consilia omnia, sicuti nos ipsi, tenet, intelligetis. Cui ut fidem quam propriæ nostræ personæ haberetis, præstare, ac in omnibus intuitu nostro adesse velitis, quam efficacissime vos rogamus. Confiditeque officia vestra apud principem non immemorem, nec ingratum locata fore. Et bene valete.

Ex Regiâ nostrâ apud Hampton Corte, die 20 Januarii,
M.D.XXVIII.

vester bonus amicus,

Henry Rex.⁸²

Magnifico ac Illustrissimo Domino Jacobo Salviato, etc. amico
nostro carissimo.

⁸² The last three words and the signature are in the king's own hand.

Number LXXV.

Original letter from Wolsey to sir Gregory Cassali and Vannes, on the illness of the pope, and the importance of the election of a successor, written February 6th, 1529.

Vitell. B.
x. fol. 72 d,
al. 78 d.

MAGNIFICE Domine Gregori et Domine Petre, salutem. Sicuti incommodissimus toti reipublicæ Christianæ ac potissimum Regiæ Majestatis negociis Sanctissimi Domini nostri obitus accid[erit], ita etiam vos non latere puto quantum periculi et discriminis hujus Serenissimi Regis saluti et honori, ac Regni sui quieti ab hâc futuri Pontificis electione immineat, et quantopere vobis adniténdum, ac vestro studio, diligentia, industria et prudentiâ occurrendum et obstandum sit ne aliquis eligatur Pontifex alienus ab hâc Regiâ Majestate; et quid pro me promovendo facere ac tractare debetis, cumulate per communes meas literas vos admonui, nec oportet per has quicquam aliud replicare, quas so[lum] ad vos scribere volui, ut significem vobis me totum hoc gravissimum et omnium maximum negocium de quo acturi estis, vestræ prudentiæ, f[idei], et dexteritati, quam longo temporis usu exploratissimam habeo, committere et credere, speroque vos spei et opinioni meæ de vobis conceptæ omnino responsuros.

Et bene valete.

Londini, die 6 Februarii, MDXXV[III.]

Vester⁸³ amantissimus frater,

T. Car^{lis} EBOR.

Magnifico Equiti Domino Gregorio Casalio,
ac Domino Petro Vanni, Serenissimi Domini
Angliæ et Franciæ Regis, in Romanâ curiâ Ora-
toribus, etc.

⁸³ From *vester* is in Wolsey's hand.

Number LXXVI.

*Original letter from Knight and Benet to Wolsey, written
in Knight's hand, February 14, 1529.*

PLEASE it your grace to understand that the vicecount Turyn, which hath continued by a good space with the count of S. Paule, in Lumbardy, arrived here yesterday by post, and sent unto us a letter he brought from Mr. Doctor Stephyns, dated at Alexandrie the 6th day of this month; wherein it is contained that he arrived at the said city in competent health of his body, with good fortune in his voyage, sythyns his departing from Lyons, except that he had one jeopardious and perilous fall. Furthermore, that he intended the same day to ride twenty miles, accompanied with a number of men of war, because he should be continually for that space in dread and fear of the Spaynardes; and, jeopardy passed, he will use all diligence possible till he attain unto the pope's presence. He writeth also that the common voice in Alexandrie is, that the pope is well; and the vicecount Turyn confirmed the said common saying, adding thereunto, that Salviali had signified by writing unto the count of S. Paule, that the pope did give sythyns that his sickness ceased, audience unto cardinals, and princes' ambassadors; and thus, God willing, your grace shall shortly hear of Mr. Stephyns' safe arrival in Rome, and of resolution of such matters as he hath in charge. And so it chanced well for declaration of the king's pleasure and yours unto us, that Mr. Petre did bring unto us your grace's letters; for else we had been at Rome, if no misfortune had chanced, rather than Mr. Stephyns was at Lyons. As soon as we shall hear of his being in Rome, we shall immediately follow the king's commandment and yours signified unto us by your last letters.

The Holy Ghost preserve your grace.

At Lyons this 14th day of February.

Your most humble bedesmen

W. Knighte,

To my lord legate's good grace.

W. Benet.

Number LXXVII.

*Drafts of directions for the proceedings in the Divorce Court,
from May 18th to July 27th, 1529.*

Mode of procedure in the Divorce Court.

Vitell. B.
xii. fol. 41 d.

FORMA ex tenore commissionis datur procedendi in hac causâ usque ad petitionem divortii ex mero officio iudicum, per inquisitionem et non ad alicujus partis instantiam. Unde, partibus comparentibus, necesse est quod, vel per ipsos eosdem iudices articuli partibus administrentur et porrigantur, vel saltem per quemdam, in promotorem necessarium per ipsos iudices ad coadunandum ipsorum officium, assumptum et deputatum sic porrigantur; et hujusmodi articuli sint tales quales prius ipsa, si matrimonium accusâset, porrigeret tam contra dispensacionem quam contra matrimonium.

J. Hughes.

*Directorium processûs fiendi secundo die in eventum quo
utraque pars comparuerit.*

Vitell. B.
x. fol. 61,
nl. 65.

IN primis, accedant Iudices, tempore statuto ad locum præfixum et ibi sedeant pro tribunali, habentes secum notarios et testes.

Secundo, recipiant Iudices litteras citationis originales, ac etiam testificatorium super executione eorundem introducendum per mandatarios.

Tercio faciant, Iudices Regem et Reginam, nisi prius et absque hoc comparuerint, publice præconizari.

Quarto, exhibeant procuratores Regis et Reginae eorum respective procuratoria, et faciant se partes pro eisdem respective.

Quinto, assumant Iudices promotorem necessarium ad eorum officium coadunandum, una cum scribis pro totâ causâ.

Sexto, Iudices ministrent articulos sive capitula partibus comparentibus, et faciant eos sive ea partibus ipsis per promotorem hujusmodi realiter exhiberi.

Septimo, assignant Judices partibus id petentibus terminum, eorum arbitrio moderandum, ad respondendum articulis sive capitulis antedictis.

Octavo, rogent et requirant Judices notarios et testes ad instrumenta conficienda, et testimonium perhibendum de et super præmissis.

Si vero altera pars non comparuerit, fiat processus ut sequitur.

In primis, fiant omnia successive ut prius usque in tertium articulum inclusive.

Et deinde pronuncient Judices partem non comparentem fore contumacem, et de speciali gratiâ decernant ipsam fore citandam ad comparandum coram eis tertio die et loco competente, articulos sive capitula in causis supradictis, dari et ministrari visuram, ipsosque et ipsa recepturam;

Neenon ad omnia acta in causis hujusmodi successive usque ad sententiam diffinitivam inclusive, juxta formam dictæ commissionis procedi visuram cum communicatione, etc.

Et decernant litteras super hoc fieri in formâ et eas dirigi mandatoriis tunc jurandis.

• Si vero Regina per se vel procuratorem limitatum ad protestandum et recusandum tantum comparuerit, tunc,

Si eadem Regina vel ejus procurator ad illum effectum tantum comparuerit, et forum judicum per materiam recusatoriam declinaverit vel quicquam aliud dilatorium causæ fecerit;

Tunc assignent Judices terminum ad audiendum voluntatem suam super materiâ hujusmodi et continuant etiam in statu quo est, usque in dictum terminum.

Et moneant partes ad tunc interessendum et faciendum ea quæ ex parte eorundem, in eventum admissionis vel rejectionis materiæ hujusmodi, respective fienda fuerint.

SI Regina per se vel per procuratorem limitatum ad protestandum et recusandum tantum comparuerit, tunc hoc modo procedetur.

Vitellius
B. x. fol.
57 b, al.
61 b.

Nos assignamus vobis diem viz. hujus præsentis mensis Junii, ad audiendum voluntatem nostram super admissione vel rejectione hujus materiæ ex parte Serenissimæ Reginæ nobis exhibitæ.

Monemus insuper Illustrissimi Regis procuratorem ad interessendum eodem die.

The blanks are as in the original.

Directorium processûs tercio die.

Vitell. B. PRIMO, accedant Judices ad locum judicii inter horas nonam
x. fol. 190. et decimam.

Secundo, si Regina non comparuerit per se vel per procuratorem exhibentem procuratorium pro illâ, fiat præconisatio per præconem a Judicibus deputandum.

Tercio, casu quo non comparuerit, instet promotor ut pronuncietur contumax, et in pœnam contumaciæ rejiciatur materia recusacionis, advocacionis et litis pendentis ex certis causis animos eorundem moventibus, et dentur Apostoli refutatorii quoad provocaciones intimatas, necnon decernant non esse deferendum illis.

Quarto, rejectâ materiâ offerantur articuli Regi et Reginæ; et moveatur uterque ad respondendum eiisdem sub juramento.

Quinto, casu quo Regina comparuerit, instet promotor ut fiat rejectio materiæ in ejus præsentia.

Sexto, si Regina propter rejectionem materiæ appellaverit in scriptis, decernant Judices non esse deferendum, et dent A[postolos] refutatorios.

Septimo, si Regina recesserit appellans, instet promotor ut moneatur per Judices, ad interessendum omnibus et singulis a[udien]dis usque ad finalem expeditionem negocii inclusive, cum comminatione, quod sive comparuerit, sive non, procedent Judices ad expeditionem negocii inclusive et omnium audientorum in eodem, ejus contumaciâ sive absentia in aliquo non obstante.

*Directorium processûs fiendi tercio die, datâ comparicione
sive præsentia utriusque partis.*

1^o. In primis Judices accedant ad locum judicii tempore statu- Vitell. B.
tuto, et ibidem sedeant pro tribunali, habentes secum scribas et xii. fol. 63,
testes. al. 67.

2^o. Secundo, instante promotore ut materia rejiciatur, et Reginâ petente eam admitti, Judices rejiciant eandem per verba formalia subsequencia. Nos ex certis causis et considerationibus legitimis animos nostros ad id moventibus, rejicimus materiam Serenissimæ Dominæ Reginæ et singula in eâ [contenta], et pro jurisdictione nostrâ in hâc parte pronunciamus ac decrevimus fore procedendum in causâ et causis nobis commissis juxta tenorem et formam commissionis Apostolicæ nobis in hâc parte factæ, recusacione illâ in aliquo non obstante.

3^o. Tercio, moneant Judices Reginam, si præsens sit, alioquin ejus procuratorem generalem, si quem talem habuerit in judicio præsentem, ut compareat et intersit coram eis, in judicio, singulis diebus et locis quibus eos in causâ et causis antedictis pro tribunali sedere contigerit in eisdem causâ et causis, usque ad finalem expéditionem earundem inclusive procedi et cognosci visuram, etc., ulteriusque, etc., cum communicatione, etc. Si vero Regina tunc præsens non fuerit, nec procuratorem talem ibidem habuerit, tunc decernant Judices eam citandam fore ad effectum supradictum.

4^o. Quarto, ministrentur articuli Regiæ Majestati, quatenus eam concernant, et detur terminus ejus procuratori ad respondendum eisdem, si procurator ipse hoc petierit.

5^o. Quinto, decernant Judices descendere ad Regiam Majestatem aliquo loco insigni, ut deferant ei juramentum de fideliter respondendo articulis supradictis, et eum examinent super eisdem.

6^o. Sexto, moneant Judices Reginam, si præsens sit, alioquin ejus procuratorem generalem, si quem habeat, in judicio præsentem, ut intersit ostensui et juramenti declarationi hujusmodi, si suâ interesse putaverit, etc.

*Directorium processûs fiendi tercio die, in eventu rejectionis
materiæ Reginæ.*

Vitell. B.
xii. fol. 67 b.

IN primis, ministrentur articuli procuratori Regis, et decernant Judices descendendum fore ad Regiam Majestatem loco aliquo insigni, pro juramento ei deferendo de fideliter respondendo articulis. Et decernant citacionem pro Reginâ ad totam causam.

2º. Tempore discensûs hujusmodi adveniente, descendant Judices ad locum statutum, et ibidem sedentes pro tribunali, deferant juramentum Regiæ Majestati, et decernant eum examinari super hujusmodi articulis, citra diem comparicionis Reginæ ad totam causam.

Directorium quinti diei.

Vitell. B.
xii. fol. 68 b.

PRIMO, recipietur Certificatorium, et oneretur mandatarium juramento super eodem.

Secundo, in eventum appellacionis ex parte Reginæ, decernant Judices non esse deferendam; et assignent Apostolos, si et prout eis æquum visum fuerit.

Tertio, pronuncietur Regina contumax, et in ejus contumaciâ, ac præsentia procuratoris Regis, decernetur fore procedendum ad testium receptionem et alia acta causæ, juxta tenorem decreti, absentiâ Reginæ in aliquo non obstante.

Quarto, exhibeat procurator Regis, responsa facta ad articulos in scriptis ejus manûs subscriptione signatis, et faciet fidem super eisdem.

Quinto, recipientur testes, et jurentur ac moneantur subeundum examen in formâ juris debitâ et consuetâ.

Sexto, moneatur procurator Regis, ut bullam confessatam certis die et loco ei tunc assignandis, una cum ceteris dispensationibus vires matrimonii inter Regem et Reginam contracti concernentibus, exhibeat.

Septimo, decernatur Reginam, fore citandam ad interessendum exhibitioni bullæ et aliarum dispensationum hujusmodi, si suâ interesse putaverit, et ad exhibendum pro parte suâ quascunque dispensationes præmissa concernentes.

Octavo, committant Judices vices suas magistro Claiburgh, ad examinandum testes, assumpto Watkyns in scribam. Et rogetur alius notarius ad conficiendum inde instrumentum.

Directorium duodecimi diei.

PRIMO, ministretur articulus additionalis.

Vitell. B.
xii. fol. 149.

Secundo, exhibeatur prothocollus protestationis Regiæ Majestatis alias factæ contra sponsalia in minori ætate contracta.

Tertio, recognoscat Episcopus Eliensis subscriptionem manûs suæ ad eundem prothocollum.

Quarto, prorogetur terminus ad concludendum usque in alium diem, in præsentia procuratoris Regis et contumaciâ Reginæ.

Number LXXVIII.

*Draft of a remonstrance to be made in a personal interview
between the queen and the legates, May 1529.*

*Allegations delivered by the king's [highness], shew[ing the
plot] against the king's person and the lord legate by the
[queen's grace], and the light account the queen maketh of
the king.*

Vitell. B.
xii. fol. 64,
al. 68.

YOUR grace peradventure will marvel why at this time we do [come unto] your grace, considering that in times past we have not come un[to your] grace, but at such times as it hath pleased your grace to comm[and us]; but sithens that time we last awaited on your grace, we have [heard] and seen diverse things of very great importance, of the which [his] grace and his counsel have been advertised by men of great honor [and] credence, that divers ill-disposed personages do intend to conspire and imagine the death of the king's grace's most royal person, and also th[at] of the lord legate. And this is surely thought to be enterprised [for] your grace's sake, or for your grace's occasion, by such as be the fa[ctors] of the emperor.

And forasmuch as the same toucheth your grace very nigh, we [thought] our duty was to ascertain your grace thereof; for if percase anything should be attempted or enterprised against the king's grace's royal person, or yet against the lord legate, (though your grace be nothing guilty therein,) yet it should only be imputed to your grace; which assuredly should be your grace's utter undoing and des[truction]; further assuring your grace that the king's highness taketh this [matter] very earnestly, and much the more doubteth in this behalf be[cause your] grace do not shew such love to his most noble grace, nether in, [ne] yet out of bed, (and specially to such a noble and loving pr[ince a]s he is,) as a woman ought to do to her husband. What was [done in] bed between both your graces we pass over, but openly your [grace] do not bemean yourself accordingly; for whereas the king's highness is in great pensiveness by reason of this matter, ye [appear] not so

to be, for your part shewing many signs and tokens to the contrary.

First, in exhorting other ladies and gentlemen of the court [to] dance and pastime, and make many other assemblies of [pleasure], where it is thought better for your grace to exhort them to [pray] that God of his infinite mercy may set some good end in this ma[tter].

Secondarily, in your countenance, in your apparel, yea and all your other behaviour there appeareth no manner token of pensiveness in your grace.

Thirdly, your grace do shew yourself too much to the people, in rejoicing greatly of their exclamations and other their ill obloquy. And by beckoning with your head and smiling otherwise than in times past your grace have been accustomed to do, your grace have rather comforted them in their so doing than rebuked or refrained them therefrom as your grace's duty had been to do.

Fourthly, whereas this matter have been so long in communication, your grace, having of long time such a breve as ye pretend to have, should have advertised the king's highness thereof, if your grace had been so loving as your grace ought to be, and not to have kept the same close, as your grace have; for the exhibition thereof might have done great ease before this time.

All the premises well considered, the king's highness cannot persuade himself that your grace do bear unto his grace such love as your grace ought to do, but that your grace rather do hate him than love his grace.

And therefore it is thought to the king's grace's counsel, that it is not surety for the king's highness to be conversant with your grace, nother at bed, ne yet at board, specially after the beginning of the process and the matters kindled between your graces of judgment, whereupon shall arise many occasions of grudge and displeasure which as now appeareth not.

And also we think in our consciences that if the king's highness have such just fear of your grace, he may withdraw himself from your grace's company, for the eschewing of such inconveniences as may ensue to his grace's person to the contrary, for there is nother law nother reason that will enforce a man to be in the presence of such persons by whom he have just

suspicion to be in great danger of life. And, as we perceive by the report of the king's grace's counsel, for like suspicion, his grace will not suffer hereafter the lady princess to come in your grace's company, which should be a thing to your grace very grievous, seeing that the said lady princess (now being in this age) should of good congruence be nigh unto your grace for her better education.

And in declaring the premisses, there may be (as occasion shall fall) rehearsed unto her grace, also, all other manner of dangers which in times past have been made and shewed her to move her grace to enter into religion. Wherein if she shall still make difficulty, then may it be said unto her grace as hereafter followeth:—

fol. 65.

Also, whereas your grace peradventure thinketh that in [case your grace] should enter into religion, that the king's grace should be a[llowed] to marry some other, your grace shall not need to ferr [any] such thing, for if percase your grace should enter into r[eligion], yet by the law the king's highness may not take another [wife] during your grace's life, nother yet the pope's holiness can [dispense] with his grace so to do.

And it may be said unto her grace assuring her[self] hereof, may boldly go unto the king's grace herself, and off[er her] humble submission and prayer that his grace will be good she may offer herself to do anything, (be it in entering in[to religion] or any other thing,) so that both their counsels will say⁸⁴ *that [it is] done by God's laws and by the laws of the church,* [which] her grace's submission and offer shall greatly stir and [move] the king's grace to have compassion of her.

It may also be shewed unto her grace that in this case the [king's] highness can be contented *that she shall forbear entering in[to religion] unto such time as sentence shall be given for the matrimony, or else and she be contented to enter afore,* that her said [entry] be made under condition that percase

⁸⁴ The underscored passage has been erased, and the following substituted in the margin, in Wolsey's hand:—"That it shall be to the safe of his conscience, for the surety of his [person], of his succession, and for the weal of his realm, and not contrary to God's laws and the laws of the church."

sentence be not gi[ven against] the matrimony, she may then come again out of religion.

And, finally, that her grace shewing herself conforma[ble, and] doing as much as may be devised by the king's counsel and hers, [according] to the laws of God and the church in the premisses, [shall] greatly move the king to be good and gracious unto her; [but that] shewing herself not conformable to follow such ways [as] might be devised by both their counsels, according to the laws of God and of the church, she shall greatly d[is]please the king's highness, and cause him to be much more angry with her than his grace hath been hitherto.

On the second page of fol. 65 is written as follows, in Wolsey's hand :—

Quod stulte facit si contendit cum rege.

Quod male successit ipsi in foetibus.

De brevi et suspitione falsitatis.

Quam diu habuit breve.

Quem misit pro brevi.

Quas literas scripsit per eum et ad quem.

Quis attulit breve.

Et an habuerit alias literas simul.

Number LXXIX.

*Original account of the proceedings of the 18th of June,
signed in the hands of the three witnesses.*

Vitell. B.
xii. fol. 58,
al. 62.

DECIMO octavo die mensis Junii, anno domini [et] loco judiciali prædicto, comparuerunt personaliter coram dictis Reverendissimis Cardinalibus, legatis, vicegerentibus et commissariis prælibatis, in notariorum et testium subscriptorum præsentia judicialiter et pro tribunali sedentibus, Reverendi [in Christo] patres, Dominus Johannes Lincolniensis et Johannes Bathoniensis et Wellensis ecclesiarum permissione divina respective episcopi prædicti. Et tunc ibidem cum reverentia et honore congruis introduxerunt literas citacionis originales, sigillis dictorum Reverendissimorum patrum, ut apparuit, sigillatas, et dictis Reverendissimis patribus tunc ibidem præsentarunt, et penes eosdem dimiserunt, et viva voce eosdem certificaverunt, in vim juramenti sui præstiti, se executos fuisse dictas literas, die et loco ac sub modo et forma in dorso earundem plenius expressatis. Quorum certificatorium mihi prælibato Floriano Montino tradiderunt legendum, quod quidem certificatorium tunc ibidem ego, Florianus prædictus, ad eorumdem Reverendissimorum Judicum mandatum perlegi. Quarum quidem literarum citatoriarum, et certificatorii in dorso earundem ut præmittitur conscripti, tenores seriatim sequuntur et sunt tales, THOMAS, etc.

Tenor vero certificatorii hujusmodi sequitur. Ac deinde Reverendissimi patres palam et aperte interrogarunt, utrum aliquis vellet comparere pro Regia Majestate, modo præmisso citata.

Quibus sic gestis, comparuit personaliter venerabilis et egregius vir, Magister Ricardus Sampson, Sacelli Regii Decanus, deferens in sua manu literas procuratorias dicti excellentissimi principis, sibi et magistro Johanni Bell, decretorum doctori, factas, ac sigillo ipsius magno in cera viridis coloris impresso ut apparuit sigillatas [de] verbo ad verbum, Henricus, etc., huiusque verbis signatas, viz. HENRICUS REX.

Eisdem tunc ibidem coram dictis Reverendissimis patribus,

judicibus praelibatis, exhibuit et scriptæ pro dictâ Regiâ Majestate verbo⁸⁵ fecit in præsentiâ dictæ Serenissimæ Dominæ Katherinæ Reginæ personaliter tunc ibidem existentis, protestantis prout continebatur in quâdam scedula, quam tunc ibidem legit, et penes acta reliquit. Cujus tenor sequitur in hæc verba. NOS CATHERINA, etc.

Et deinde quandam materiam in scriptis dantis et eam sub protestacione prius per eandem factâ, admitti petentis. Cujus tenor talis est. IN DEI NOMINE AMEN, etc.

Et exhibentis ulterius provocacionem sive appellacionem [in] fol. 59. scriptis per ipsam tunc ibidem penes act[a redigendam] et requirentis notarios astantes ad conficiendum instrumentum, et viros tunc ibidem astantes et præsentes, desuper testificari. Cujus provocacionis tenor sequitur et est talis. IN DEI NOMINE AMEN.

Ac deinde dicta Domina Regina protestando ut supra, intimavit provocacionem, et appellacionem aliam in scriptis redactam dictis Reverendissimis Judicibus. Quam sic in scriptis redactam penes acta reliqu[it]. Et protestando petiit illam protestacionem inactitari [et] in actis redigi. Cujus tenor talis est. IN NOMINE DOMINI AMEN.

Et deinde sub protestacionibus præmissis petiit a dictis Reverendissimis Judicibus tunc ibidem quatenus decernerent hujusmodi exhibita registranda, et originale sibi retradendum fore. Ad cujus petitionem dicti Domini Judices decreverunt prout ab eâdem Dominâ Reginâ ut præmittitur est petatum; (quibus sic gestis) dicti Reverendissimi Domini Judices assumpserunt nos Florianum Montinum, ecclesiasticum Ferrariensem, Willelmum Clayburgh, utriusque juris doctorem, prothonotarios Apostolicos, et Ricardum Watkyns, in legibus baccalaureum, sacrâ auctoritate Apostolicâ notarium supranominatos in actorum suorum scribas et actuarios tocius causæ. Ac nos rogârunt ad inactitandum gesta et gerenda in illâ causâ. Et assumpserunt Magistrum Johannem Hewes, in utroque jure baccalaureum, in promotorem sive coadjutorem officii sui, Registrarium integralis et totalis usque ad finem ejusdem causæ inclusive. Et assignârunt dictæ Dominæ Reginæ ad audiendum voluntatem suam super eâdem materiâ et petitis ab eâ in die lunæ

⁸⁵ There is some mistake here which the editor is unable to correct. •

proxime tunc sequenti, viz. 21 die mensis instantis Junii inter horas nonam et decimam ante meridiem ejusdem diei. Et isto loco judiciali cum continuacione et prorogacione dierum et horarum tunc sequentium, si expediens videbitur, in præsentia dictæ Dominæ Reginæ (quam monuerunt ad tunc ibidem interessendum) dissentientis hujusmodi assignacioni et protestantis ut supra, et ulterius protestantis de nullitate omnium et singulorum gestorum per dictos Reverendissimos Judices isto die.

Et ulterius dicti Judices ad petitionem dicti Magistri Sampson, procuratoris dicti Illustrissimi Domini Regis, decreverunt sibi copiam omnium gestorum et exhibitorum in dictâ causâ, et eundem procuratorem monuerunt ad comparendum die et loco ac tempore prædictis, ulteriorem processum fieri visurum et auditurum, præsentibus tunc ibidem Reverendis Patribus, Dominis Johanne Lincolniensi et Johanne Bathoniensi et Wellensi episcopis, et Johanne Yselip, Abbate exempti monasterii Sancti Petri Westminsterii, supranominatis, Johanne Taylor magistro rotulorum, Dominum⁸⁶ Reg . . . et pluribus aliis in multitudine copiosâ ibidem congregatis.

Per me Florianum Montinum, notarium in
causâ assidentem.

Per me Willelmum Claiburgh.

Per me Ricardum Watkyns.

⁸⁶ Dominum is probably a mistake of writing, but it cannot be corrected as the following word is imperfect.

Number LXXX.

*The queen's appeal, signed with her name in her own hand
at the top and bottom of each page, June 18, 1529.*

Katherina Regina.

IN DEI NOMINE AMEN. Coram vobis Reverendissimis in Vitell. B.
xii. fol. 204.
Christo Patribus et Dominis, Dominis Thomâ miseracione
divinâ, tituli Sanctæ Cecilie Eboracensis, ac Laurencio eâdem
miseracione, tituli Sanctæ Mariæ in transtiberim de Campegio
nuncupatis Presbiteris Cardinalibus, Sanctissimi Domini nostri,
Domini Clementis, illius nominis Papæ Septimi, et sedis
Apostolicæ in regno Angliæ de latere legatis, In causâ et
negocio infrascriptis commissariis et vicegerentibus præ-
tensis;

Necnon coram vobis publicis et auctenticis personis ac testi-
bus fidedignis, hic præsentibus;

Nos Katherina Angliæ et Franciæ Regina, potentissimique
et metuendissimi principis, Domini Henrici, Dei graciâ Regis
Angliæ et Franciæ, fidei defensoris et Domini Hiberniæ uxor
et conjux legitima, dicimus, allegamus et in hiis scriptis animo
querelandi, supplicandi et appellandi omnibus melioribus, viâ,
modo et juris formâ, quibus de jure melius et efficacius debe-
mus; necnon ad omnem juris effectum qui exinde sequi potuit
aut potest, proponimus;

Quod licet idem potentissimus princeps Dominus Henricus
et nos Katherina præfata, Sponsalia verumque purum et legit-
imum matrimonium, etiam vigore dispensacionis Apostolicæ in
eâ parte nobis concessæ, legitime contraxerimus, matrimoni-
umque hujusmodi carnali copulâ subsequutâ et prole susceptâ
consummaverimus; necnon ut vir et uxor verique et legitimi
conjuges per viginti annos insimul cohabitaverimus, obsequia
conjugalialia mutuo impendentes; atque in possessione præmis-
sorum notorie extiterimus et existimus, pro viroque et uxore
legitimis per tempus supradictum fuerimus, et in præsentem,

Katherina Regina.

Katherina Regina.

sumus communiter dicti, tenti, habiti, nominati et reputati, palam, publice et notorie;

fol. 205. Nihilominus præfati Reverendissimi patres, commissarii et vicegerentes prætensi, vigore quarundam literarum commissionalium Apostolicarum prætensarum eis ad procedendum et cognoscendum de et super viribus matrimonii validitateque et invaliditate dispensationis Apostolicæ prædictæ, ut prætenditur, directarum;

Nos præfatam Katherinam nuperrime post et contra provocationem, appellacionem, recusacionem et reclamacionem alias pro parte nostrâ legitime, ac in debitâ juris formâ, coram præfato Sanctissimo Domino Papâ, et ad ipsum factas et interpositas, atque per eum receptas, et earum causas aliis iudicibus etiam commissas; necnon post et contra revocationem et advocacionem dictarum literarum commissionalium prætensarum, per dictum Sanctissimum Dominum nostrum Papam factas, ac eiisdem Reverendissimis patribus, commissariis et vicegerentibus huiusmodi intimatas, quibus nos alias legitime adhæs[imus] et adhæremus in præsentî, de facto cum de jure non possent, ad comparendum coram eis certo die incompeten[t]i et loco causæ nostræ in hac parte notorie minus tuto et indifferenti, nullâ causâ propter quam comparere debuerimus, saltem sufficienti, expressâ, etiam contra juris disposicionem, et formam dictarum prætensarum literarum, commissionalium, ut præfertur, revocatarum, absque alicujus partis instantiâ, sive petitione citare, licet nulliter, decreverunt et fecerunt.

Et licet in die ad quem nulliter, ut præfertur, citatæ fuerimus, coram eiisdem Reverendissimis patribus, quamvis ad hoc de jure, nullo modo tenebamur, sub protestatione de non consensiendo in eosdem Reverendissimos patres, commissarios et vicegerentes assertos, tanquam in iudices nobis in hac parte competentes, nec eorum jurisdictionem prætensam aliquatenus prorogando, sub formâ debitâ et consuetâ, conceptâ et eorum actis prætensis insertâ comperiverimus, atque quandam materiam recusatoriam ipsorum Reverendissimorum patrum, com-

Katherina Regina.

Katherina Regina.

missariorum et vicegerentium prætensorum, ac eorum jurisdictionis judicii et examinis declinatoriam penes acta eorundem Reverendissimorum patrum, commissariorum et vicegerentium prætensorum remanentem, satis apte conceptam et sufficienter concludentem, ac de jure omnino admittendam legitimam fol. 206. etiam notori hujusmodi recusacionis et declinacionis causas in se continentem debite et legitime proposuerimus, et coram eisdem exhibuerimus, et admitti legitime petierimus, atque ad probandum contenta in eadem pro loco et tempore opportunis nos promptas obtulerimus et paratas; necnon quasdam supplicacionem, provocacionem et appellacionem tanquam per nos nuperrime quum etiam prius ex parte ac nomine nostris ad sedem Apostolicam et præfatum Sanctissimum Dominum nostrum Papam, ejusque audienciam ex causis justis et legitimis debite factas et sub instrumentis publicis conceptas debito modo intimaverimus et notificaverimus;

Dicti tamen Reverendissimi patres, commissarii et vicegerentes prætensi, præmissis in aliquo non obstantibus, sed ipsis penitus postpositis, nos prædictam Katherinam, sic ut præmittitur proponentem, exhibentem et petentem, provocantemque et appellantem, et cetera præmissa facientem exaudire minime curantes, materiam prædictam rejecerunt; seque ad graviora et nobis magis præjudicialia contra nos velle procedere, nituntur ut asserunt et intendunt, nititurque ut asserit eorum uterque et intendit ex officio eorum prætenso, eorum reverenciis semper salvis, in omnibus minus juste, ac nulliter de facto et inique.

UNDE nos Katherina Regina prædicta sentiens nos [ex] præmissis gravaminibus et ex hiis quæ ab eisdem colligi possunt omnibus et singulis indebite gravari ab eisdem et eorum quolibet, ad Sacrosanctam Sedem Apostolicam et Dominum nostrum Papam, ejusque audienciam, omnibus viâ, modo et juris formâ melioribus et efficacioribus quibus melius aut effectius de jure possumus aut debemus, in hiis scriptis appellamus, et de nullitate eorundem querelamus et supplicamus fol. 207.

Katherina Regina.

Katherina Regina.

Apostolosque petimus primo, secundo et tertio, instanter, instantius et instantissime nobis dari, tradi et liberari cum effectu ;

Protestamurque quod ista gravamina et nullitates sunt indies continuata. Protestamur insuper de addendo, corrigendo, et reformando hanc nostram appellacionem, et eam in meliorem et competentiore formam redigendo, ac de intimando eandem omnibus et singulis quorum interest pro loco et tempore congruis et oportunis, prout moris est juris atque stili. Super quibus, etc.

Katherina Regina.

Number LXXXI.

*Draft of the method of procedure in the Divorce Court on
June 21st, the third day of the trial.*

NOS Laurencius, miseracione divinâ, Sanctæ Mariæ in trans-
tiberim de Campegio n[uncupatus] Sacrosanctæ Romanæ Ec-
clesiæ presbiter Cardinalis, [neon] Sanctissimi in Christo
Patris et Domini nostri, Domini Clementis Papæ moderni
vicegerens, seu commissarius in hâc parte sufficienter et
legitime deputatus, materiam recusacionis alias coram nobis
et [Reverendissimo] in Christo Patre et Domino, Domino
Thomâ, mi[seracione] divinâ tituli Sanctæ Cecilie Eboracensis
Sacrosanctæ Romanæ Ecclesiæ presbitero Cardinali et
quoque Sanctissimi Domini nostri in hâc parte vice[gerente] seu
commissario sufficienter et legitime dep[utato], ex parte Sere-
nissimæ Dominæ Catherinæ, Angliæ propositam, attentis literis
commissionalibus nobis in hâc parte directis, et certis aliis
causis nos et animum nostrum in hâc causâ moventibus, de
consensu, assensu, voluntate et mandato dicti Reverendissimi
patris et Domini Thomæ Cardinalis, vicegerentis seu commis-
sarii et collegæ nostri prædicti nobis factis, rejicimus et non
admittendam fore decernimus; Provocacionibusque et appel-
lacionibus quibuscumque nobis et collegæ nostro prædicto per
præfatam Serenissimam Reginam quovismodo in hâc parte
intimatis non deferimus, Apostolosque refutatorios in eâ parte
eidem Serenissimæ Dominæ Reginæ concedimus.

Et nos Laurencius, miseracione Divinâ, Sanctæ Mariæ in
Transtiberim de Campegio n[uncupatus] Sacrosanctæ Romanæ
Ecclesiæ presbiter Cardinalis, neon Sanctissimi Domini
nostri Papæ vicegerens commissarius, in hâc parte sufficienter
et legitime dep[utatus], materiam advocacionis seu litis pen-
dents præ[erea] ex parte Serenissimæ Dominæ Catherinæ
Reginæ nobis et collegæ nostro propositam [de]
consensu, assensu, voluntate et mandato d[icti] Patris et Do-
mini Thomæ Cardinalis viceger[entis], commissarii, collegæ
nostri prædicti nobis factam si et quatenus, die
Veneris proximo, inter ho[ras nonam] et decimam ante meri-

Vitell. B.
xii. fol. 208.

fol. 209.

diem ejusdem diei au[dienda] fuerit per eandem Serenissimam Dominam Catherinam sufficienter et legitime coram nobis in hoc loco prolata et non aliter neque alio modo.

Et de talibus consensu, voluntate et mandato prædicti Reverendissimi patris collegæ nostri hujusmodi monemus vos Serenissimam Dominam Catherinam Reginam ad interessendum, tunc et ibidem præmissa facturam.

Et in eventu non probacionis ejusdem, monemus vos ad interessendum coram nobis loco prædicto, inter horas decimam et undecimam ante meridiem ejusdem diei, processum ulteriorem in eâ parte visuram, recepturam et auditoram.

fol. 210. Necnon ad interessendum omnibus et singulis agendis per nos seu nostrûm alterum, altero nolente aut impedito, usque ad finalem expeditionem hujus negotii, diebus, horis et loco quibus nos, seu nostrûm alter, altero nolente seu [impedito], pro tribunali sederimus aut sederit, int[imantes] quod, sive diebus horis et loco prædictis compar[ueris], sive non, nos ad finalem expeditionem negotii inclusive, prædict[orumque omnium] agendorum in eodem procedemus, aut procedet [nostrûm] alter, altero nolente seu impedito.

Number LXXXII.

Articles of the process, June 25, 1529.

1. IN primis vobis illustrissimo principi, etc., objicimus quod Vitell. B.
xii. fol. 69,
al. 72.
[vos et claræ] memoriæ Arthurus perhennis famæ, Henrici Septimi nuper Re[gi]s Angliæ] et Dominæ Elizabeth consortis suæ primogenitus fratres ex eiisdem paren[tibus] eratis, ac pro talibus in regno Angliæ et alibi communiter habiti et reputati [eratis], sicuti estis de præsentī; hæcque fuerunt et sunt vera, etc.

2. Hujusmodi articulus objicitur Reginæ, mutatis mutandis.

3. Item vobis illustrissimo principi Henrico, etc., objicimus, etc. Quod præfata Katherina Regina et memoratus Arthurus, tunc legitimæ ad id ætatis [existentes], matrimonium verum, purum et legitimum per verba de præsentī ad id apta, n[on] eorum consensum hinc inde exponentia invicem legitime contraxerunt, ac [illud] in facie ecclesiæ inter se solemnizari fecerunt, ac carnali copulâ consummârunt, et per nonnulla tempora cohabitârunt, necnon pro viro et uxore ac conjugibus legitimis, abinde usque [ad diem] mortis sive obitûs ipsius Arthuri, communiter habiti et reputati fuer[unt].

4. Qui etiam articulus, etiam mutatis mutandis, objicitur Reginæ.

5. Item vobis, etc. Regi et Reginæ objicimus, etc. Quod vos post primum [diem] mensis Aprilis, Maii aut Junii, anno Domini millesimo qu[ingentesimo] nono, præfato Arthuro rebus humanis exempto, de facto invicem [matrimonium contrax]istis, ac illud in facie ecclesiæ utcunque solemnizari fecistis et carn[aliter] de facto similiter consummâstis, prolesque exinde suscitâstis. Hæcque, etc.

6. Item, etc. Regi et Reginæ objicimus, etc. Quod matrimonium antedictum per vos ut præ[mittitur] contractum, solennizatum et consummatum, fuit et est tam [civili quam] ecclesiastico jure prohibitum et interdictum. Hæcque, etc.

7. Item, etc. Regi et Reginæ objicimus, etc. Quod matri-

monium antedictum per [vos ut] præmittitur contractum, solennisatum et consummatum, fuit et est, [nisi] alias validari et justificari possit, obtentu præmissorum nullum o[mnino], invalidum ac pro tali merito reputandum, et judicandum, etc. Hæcque, [etc.]

[8.] Item quod tempore et temporibus quibus vos de matrimonio inter vos contracto [ac contra]hendo invicem respective tractastis et communicastis, ac etiam quibus [matrimonium] hujusmodi invicem contraxistis, antequam et citra illa tempora, grave, ingen[s] et commune de matrimonio illo apud clerum et populum in regno Angliæ, et ali[bi] locorum scandalum oriebatur et obloquium ac frequens gentium objurgatio suscitabatur. Hæcque, etc.

[9. Item quod] præmissa et ipsis non obstantibus vos, illustrissime princeps et Serenissima [Domina] Regina in matrimonio antedicto per vos ut præmittitur contracto, solennisato [et c]onsummato, perinde ac si validum esset et legitimum, hactenus [perma]nsistis et stetistis ac insimul in thoro et mensâ, perinde ac si matrimonio [legitimo] copulati essetis, cohabitastis, prout adhuc videmini cohabitare. Hæcque, etc.

[10. Item] quod præmissa ad aures dicti Sanctissimi Domini Nostri Papæ, ex frequenti plurimorum fide dignorum relatione, perlata fuerint. Hæcque, etc.

[11. Item] quod præfatus Sanctissimus Dominus Noster Papa, ejus sub plumbo literis more Romanæ curiæ bullatis ad audienda ea omnia et singula quæ dicti matrimonii inter vos, ut præmittitur, contracti vires contingant, deque et super omnibus [hi]is et aliis quibuscunque materiis et causis dictam materiam concernentibus cognoscendum omnino in causâ dicti matrimonii vobis vocatis, summarie ac de plano ac sine str[e]pitu et figurâ judicii procedendum cæteraque faciendum et expediendum [qu]æ in dictis literis Apostolicis plenius continentur, nobis Cardinalibus et legatis antedictis conjunctim, et altero nostrûm nolente aut impedito divisim, [vic]ies et omnem auctoritatem suam commisit et demandavit. Nosque ad præmissa exequenda et expedienda ac plenæ et finali executioni mandanda vicegerentes suos ex ejus certâ scientiâ creavit [ac] deputavit. Hæcque, etc.

[12. Item] quod nos Cardinales legati, commissarii et vicegerentes antedicti in causâ et causis antedictis ac cæteris

in praelibatis literis Apostolicis comprehensis, obtentu [præ]missorum, Judices competentes sumus. Atque in vos, quoad præmissa, jurisdictionem ecclesiasticam habemus. Hæcque fuerunt et sunt vera, publica et notoria. Ac de et super eiisdem laborârunt et laborant publica vox et fama. Ac objicimus ut supra.

Number LXXXIII.

Wolsey's answer (spoken June 28th) to the speech of the procurator of queen Catharine in the trial for the divorce, in his own hand.

Vitellius
B. xii. fol.
48 b.

[DOMINE] procurator, elegantem hanc, simul et ornatam tuam [oratione]m audivimus, et licet potentissimi ac invictissimi [Regis] fides, religio, ac in veritatem et justiciam propensio [ita] nobis perspectæ sint ut de eisdem minime dubitemus, [nihil]ominus tamen id abs te audire ac tam præstanti [ac luculentâ] oratione confirmatum, non possumus non vehementer [gaudere], et eo præsertim quod majestas sua nullorum gestis, [dicti]s aut alegacionibus, quantumvis minus considerate aut [apte] in hanc publicam causam adductis, minus notatu [dign]a aut alterata fuerit, licet forte non ea quæ [debetur] suæ dignitatis ac regii fastigii habita sit ratio, que⁸⁷, tum quod sua Sanctitas nichil aliud in hoc negotio moliat[ur] [quam quod] veritati et justiciæ consentaneum, nobis iudicibus [videatur], ac in quacunque partem res ipsa cesserit, ac evaserit, omnino sit latura, facit omnino rem sibi et tanto principi ac defensore dignum. Parcium igiturstrarum erit ita rem [istam], solum Deum præ oculis habentes, examinare, discutere, ac [ser]io judicare, ne ullo personarum respectu a recto declinasse [videam]ur, partesque bonorum iudicum obisse, et ita tandem, veritate perspectâ, id faciamus ac desernamus quod Deo gratum ac regno utile futurum sit.

⁸⁷ In this passage the cardinal has confused two different constructions. The whole of the document is probably the first draft of a translation of Wolsey's speech which was made in English.

Number LXXXIV.

Account of the procedure of the 8th day of the legatine court, in Wolsey's hand.

[DUODECIMO] die mensis Julii, anno Domini et loco Vitellius
prædictis, comparuit coram præfatis Reverendissimis patribus B. xii. fol.
Magister Hughes, promotor officii. 60 b.

Produxit ad probandum materiam alias contra dispensationem per procuratorem Reginae exhibitam. In testes produxit Thomam ducem Norfolkiae, Thomam ducem Suffolciae, necnon Thomam marchonem Dorsett., Thomam vice-comitem Rocheford, Johannem Carliolensem Episcopum; et David Owen, Johannem Hussy, et Ricardum Westone milites, quos ad ejus petitionem Judices receperunt, ac in formâ jurandorum testium, eosdem jurârunt de plene et fideliter testificando de et super materiâ hujusmodi, etc., et commisit examinationem tam prædictorum testium quam quorumcunque aliorum, tam super materiâ prædictâ quam super articulis propositis et proponendis, etc., assumptis nobis, etc., et assignavit diem Mercurii proximum ad videndum omnia proponi quæ consistunt in facto.

Number LXXXV.

Account of the procedure of the 10th day of the legatine court, in Wolsey's hand.

Vitellius
B. xii. fol.
49.

DIE Veneris, viz. [decimo sexto] die mensis J[ulii]
coram Reverendissimis Dominis iudices ad
pro[testandum] Hughes introduxit Willelmum Fal[ke, Johannem]
Taverner et Johannem Champ[ort] . . .
in testes etc. super ultimo articulo add[itionali]

Deinde ad petitionem Hughes diem prorogavit
quia testes in partibus non fuerunt

ati, et quia credat se
alia instrumenta facientia ad c[ausam]
omnino etc. in contumaciâ Reginæ

Deinde Hughes allegavit
munimenta et scripturæ

in archivis et

carthophilacio, penes Majorem et Ca[merarios]

London. etc. et commisit magistro B

assumpto nobis notariis con[junctim]

et divisim etc. per

scrutandum tam libros herhaldorum

quam Majoris et Camerariorum

aliorum etc. commorant. ad

Reginæ ad interessendum, abbate [Westmonasterii],

Burbank, Higons etc. tam in scriniis reg[iis]

quam aliis, et monuerunt ducem Norfolkie

et dominum Salopie de D. Gilfold

ad probandam famam

inspiciend. etc.

crast.

Number LXXXVI.

*Account of the procedure of the 12th day of the legatine court, in Wolsey's hand*⁸⁸.

[VICESIMO-PRIMO die] mensis Julii, anno Domini supra-
dicto comparuit magister [Hugh]es, allegans [quod], post
terminum ad proponendum omnino effluxum, [su]b instru-
mento protestacionis de novo reperto, dedit articulum addi-
cionalem et protestacionem [factam] per regem, etc. et sub-
scriptam per manum et subscriptionem Nicholai Eliensis, qui
recognovit protestacionem subscriptam manu suâ, etc.

Vitellius
R. xii. fol.
96 b.

Deinde Judices, ex causâ Instrumentorum de novo reper-
torum, prorogaverunt; et in contumaciâ [Serenissimæ] Reginae
prorogaverunt, et monuerunt procuratorem Reginae ad interes-
sendum eodem die, etc.

⁸⁸ There is in the Record Office an imperfect copy of the proceedings in the Divorce Court, beginning at fol. 187 with the acts of Friday the 16th of July, which is a copy of the same, though not the identical document which Herbert saw. The book is signed at the bottom of fol. 253 b, as follows:—*Liber continens depositiones testium et processum habitum coram legatis. Ricardus Watkyns, protonotarius Regius*; and is endorsed in Sampson's hand:—*Attestationes quorundam nobilium et aliorum quæ faciunt ad causam Regiam, Latine.* The account of the proceedings of

July 6 exactly resembles that given by Wolsey in the preceding Number; the principal transaction being the appointment of the abbot of Westminster, William Burbank, archdeacon of Carlisle, and Mr. Higons, canon of Salisbury, to examine the newly-discovered documents on that and the following day, and the adjournment of the court till Monday the 19th of July. Fol. 246 begins with the transactions of Wednesday, July 21, and the whole document ends with the prorogation from Friday the 23rd of July to October 1.

Number LXXXVII.

Original despatch from sir Gregory Cassali to Wolsey, written in cypher, interlined in decypher, explaining the mode in which he had endeavoured to prevent the advocacy of the cause.

Vitell. B.
xi. fol. 143.

REVERENDISSIME ac illustrissime Domine, Domine mi colendissime, etc.

Postquam Dominus Stephanus Gardinerus comparuit in signaturâ ad dicendum contra commissionem, quum pontifex censuit signaturam esse informandam, quâ de re ipse Dominus Stephanus satis prudenter et docte, ad vestram Dominationem Reverendissimam perscripsit, ego a Jacobo Salviato accepi, oratorem Cæsaris urgere et vehementer instare ut illa commissio in signaturam produceretur, nihilque intentatum relinquere[tur] ad id quod in commissione continetur obtinendam. Atque equidem existimavi nihil magis eâ re contrarium posse contingere. Ad remedia itaque animum converti, quæ ejusmodi extiterunt. Considerans ego quantam fidem Pontifex, et Jacobus Salviatus habeat, prius super eâ re consulto Domino Stephano, Dominum Jacobum conveni, ita ut soleo familiariter, atque post multa dixi, quod nisi Pontifex ipseque obstarent quominus illa commissio signaretur vel ipsis⁸⁰; namque si paterentur hanc injuriam et ignominiam Regi inuri et Dominationi vestræ Reverendissimæ; ejus Majestatem inde causam accepturam ut neglecto pontifice ac contra reverentiam auctoritatemque pontificiam quoquo modo in suâ causâ procedat; ad quam rem peragendam sibi doctissimorum virorum consilia tum ex Galliâ, tum ex Angliâ non deficient. Ex quâ re maxima Sedis Apostolicæ ruina consequeretur. Atque hæc ut ea quæ mihi luce essent clariora asserui, ostendens quoque eâ me observantiâ moveri quâ in Pontificem sum affectus, Deum et ipsos testatus, quod nisi meis in eâ re consiliis paruisent, ex iis quas attuleram rationibus, ejusmodi ruina consequeretur. Quæ quidem verba non frustra facta fuerunt. Jacobus enim ea ad Pontificem detulit, atque illud postea Pontificis nomine mihi

⁸⁰ The conclusion of the sentence seems to have been accidentally omitted.

reportavit, mea consilia sum Sanctitati summopere placuisse, eamque ita ut dicerem rem habere animadvertere. Cæterum nescire se quo pacto posset oratori Cæsaris silentium imponere, qui tam vehementer pro commissione obtinendâ urgeret, propterea quærerem ego si ullum modum invenire possem. Monui igitur oratori Cæsaris dicendum esse, nil fieri posse quod esset magis contra causam Reginæ quam si hæc commissio obtineretur. Rebus enim sic se habentibus, Regem nullum fecisse in hac causâ processum, neque etiam facturum, nisi prius pronuntiaretur illud breve esse falsum. Quod si Regem hanc commissione irritabunt, quasi dormientem canem excitabunt, atque erunt in causâ ut Rex, neglecto brevi, bullâ, et ipso denique Pontifice, sententiam pronunciari faciat; unde colligendum in hoc urgere potius ad destruendam Reginæ causam spectare quam ullo modo adjuvandam; atque hæc providens satis copiose proposui. Pontifex autem voluit ut ego meam fidem obstringerem, et certo ex meâ conscientiâ pollicerer, Regem non esse ita ut asserebam processurum. Quod quidem ego promptissime feci, duabus ferme de causis; primo ut securum Pontificem in hac parte redderem; deinde ut ipse Cæsaris orator, quietum et securum redderet, quum scirem quod Pontifex non ausus fuisset ista negare oratori, nisi illum rationibus convicisset; quod meum consilium optimum effectum sortitum fuit. Ac sæpius ego vidi Jacobum ad Cæsaris oratorem ire ut hanc rem illi persuaderet, quod quidem perfecit ut ipse mihi postmodum retulit. Pontifex autem et Salviatus ostendebant multum se eâ de re contentos esse. At ego in eodem semper proposito perstiti. Postquam vero Tadeus tabellarius Romam pervenit, dixit mihi Salviatus, Pontificem adversus se iratum esse, quia vereretur ne in Angliâ quoquo modo ad sententiam ferendam procederetur, ejusque Sanctitatem monitam fore ut id sequeretur, propterea de fide meâ conqueri, a quâ se delusum videret, ac de ipso Salviato qui Cæsaris oratorem securum reddidisset, ac nequaquam timendum esse confirmâset. Multum itaque laboravi persuadendo talia esse falsa, pollicitusque sum Regem nolle in causâ progredi nisi canonice, neque antequam ex Hispaniâ redierit Wigorniensis, et de brevis falsitate fuerit pronunciatum, addens hos varios esse rumores ac ex falsis judiciis profectos.

Et quum ex Salviati verbis videbar colligere ea ad Ponti-

ficem perlata quæ Dominatio vestra per Tadeum scripsisset, in hæc re omnia dixi quæ mihi oportuna visa sunt ad hanc Pontifici opinionem amovendam; nec frustra id egi, quandoquidem Salviatus mihi dixit Pontificem meis rationibus acquievisse.

fol. 145.

Ex litteris deinde per Alexandrum Tabellarium missis, quum desiderium Regis et Reverendissimæ Dominationis vestræ intellexerim, ne videlicet commissio illa signetur, summæ mihi voluptati fuit fecisse id quod feci. Paulo autem post Alexandrum, affuit Tabellarius ex Galliâ a legato Salviato; quibus significat Christianissimum ab omnibus confœderatis mandata sibi mittenda postulare pro pace conficiendâ, nec quicquam super eo Pontifici significatum est, licet quædam generalia, quasi cum alieno agentes, Salviato legato dixerint. Jacobus valde mecum conquestus est, Pontificis nomine ostendens Pontificem vereri ne se excluso, aut non, ut decet, sui ratione habitâ, pax conficiatur, et ipse quasi deseratur præda Cæsaris; simulque dicebat quod Pontifex nullum unquam Christianum principem magis fidum Regi nostro habuit, eumque amissum dolebat hujusce causæ respectu. Ibi, arreptâ occasione, dixi id convenire Pontificis meritis erga suam Majestatem, a quo sedes Apostolica tot beneficia receperat, quique illius instaurator extitit, neque tamen paria a Pontifice recipiat. Nihilominus affirmavi Regem, quæ sua est humanitas, bonum pro malo redditurum, modo Pontifex ipsius protectioni se commendet; et quod ad pacem pertinet, Regem in animo habiturum ut sua Sanctitas easdem condiciones sortiatur quas ipse Rex sibiimet optaverit. Quâ de re pollicitus sum aliis seorsum litteris ad vestram Reverendissimam Dominationem scripturum, sperareque me ostendi quod eodem Rex amore prosequetur Pontificem quo solitus est. Idcirco petii ut saltem nollent Rêgem ulterius injuriâ efficere, quæ profecto fieret, si nunc hæc commissio signaretur et causa vocaretur; quod quidem nil aliud efficiet nisi quod Regem, Reverendissimam Dominationem vestram, totumque Regnum irritabit. In hoc ego quantâ potui vehementiâ usus sum, ut consequi possem ne ullo modo causam advocari paterentur; quod si alieno loco et tempore, et non ex hæc occasione egissem, potuisset ipsorum animis suspitio nasci, quod ego valde timebam, ex iis verbis quæ (ut supra est) Pontificis nomine Salviatus ad me dixit post Tadei adventum. Illud vero Dominatio vestra Reverendissima respicere debet,

ne quicquam nisi quod sit quale cum Campegio conferat, si cupit istos mihi fidem habere, et sua mihi consilia credere. Possunt autem ea proponi officia quæ ego pro Pontifice facio. Cum his literis erunt literæ sine cifrâ quas simulate feci ex præscripto Pontificis, cui antequam obsignarentur ostendi; velim vestram Reverendissimam Dominationem mihi ad eas literas seorsum respondeat ut maxime ostendat Regem et se Pontificis partes suscepturos, ut ego eas literas possim ostendere quo magis sua ista mihi consilia credant.

Romæ die 5 Junii, MDXXIX.

Ejusdem Dominationis Vestræ Reverendissimæ ac
Illustrissimæ humillimus Servitor,

Gregorius Casalius.

Reverendissimo Eboracensi, Angliæ legato de
latere, etc., Domino meo Colendissimo.

Number LXXXVIII.

Holograph letter from Benet to Wolsey, describing the state of things as regards the advocacy of the cause, written June 27th, 1529.

Vitellius
B. xi. fol.
170.

PLEASETH it your grace. Where we have our instructions that we should consult and devise with such learned and expert men here as are retained in the king's cause, of whom we may think ourselves well assured and may trust unto, whether any protestation may be devised, either to be made by the king's highness there, or else by us here, that may frustrate and make void, advocacy, revocation, or inhibition, or else provocation, appellation, protestation or any other act to be done here by the Cæsarians, in this case, and thereof to advertise the king's highness, and your grace; verily, I reckon that here are none that are retained of the king's counsel to whom I dare open and disclose this matter unto; for Mr. Stephyns (who knoweth them best) in his letters which he wrote unto me from Pavia, expressly warneth me that I should trust none of them in anything that I shall do or speak concerning the king's cause. Master Gregory and Mr. Peter likewise be in that same opinion, that if this matter were opened unto them, the first thing that they would do should be this; they would shew it unto the pope and therein to do nothing but as shall be commanded unto them by his holiness; which should be little to the purpose, but much against it, as your grace shall perceive hereafter.

Furthermore, they saith that they have certain knowledge that these which are retained in the king's cause, desireth nothing more than that the cause should be brought hither by one means or another for their own advantage; and that they have secretly made their boast of the lucre which they trust to have by the king's cause, in case it be brought hither by advocacy or otherwise. Which rather they will favour in their opinion than to give any counsel to the lett thereof.

Wherefore, if any such protestation may be devised, it shall be better that same to be devised there by the king's counsel,

and likewise the execution thereof, than here. And what shall be concluded by them, in this case to be executed here by us, upon your grace's certifying thereof unto us, we shall accordingly with all diligence do it.

As touching the obtaining of the new commission and of the pollicitation, what hope may be had therein, Mr. Stephyns I am sure hath shewed unto your grace. And besides that, your grace may soon conjecture how unlikely the obtaining thereof is, of those things which we have written in our common letters concerning the pope's towardness to grant the advocation of the cause; and what we have practised with mysser Jacoby Salviati in this time that the pope is sick for the stopping thereof; and what hath chanced in the meantime to the hindrance of our purpose.

Also when time shall be, what we intend to say ourselves to his holiness for our purpose, at length your grace do see in our letters in Latin; which your grace may be well assured we shall do to the uttermost, and after such a fashion as we think shall move his holiness. And for my part, I shall with no less effect declare your grace's credence to his holiness. And if it shall not stay his holiness from the advocation, I see no remedy oth[er] otherwise as by order of the law; for this thing dependeth alonely in his will. And forasmuch (most gracious lord) that I see such desperation in every degree of our charge, I have the greatest heaviness that ever I had in my life; and much lament my fortune that it should be such as to give⁹⁰ the king's highness' ho[nor] in his cause which toucheth his majesty so nighly and [the] same which I know well your grace hath most in heart, wherein I can do nothing that may be to his highness' pleasure, or to your grace's desire. And thus Jesus preserve your grace in health *ad multos annos*.

At Rome, the 27th day of June.

Your daily bedeman,

W. Benet.

⁹⁰ Some word appears to be omitted.

Number LXXXIX.

Original letter from Benet, Cassali, and Vannes, to Wolsey, written from Rome, June 28th, 1529, giving an account of their efforts to prevent the advocacy.

Vitellius
B. xi. fol.
172, al. 178.

REVERENDISSIME in Christo pater atque illustrissime Domine et Domine observandissime, humillimam commendationem.

Die 16 hujus mensis huc advenit Dominus Benetus; atque interea, dum de audientiâ procuraretur, instructiones quas secum attulerat, cum his quas antea acceperamus conjunctim omnes contulimus, et de omni rerum statu ac de hiis quæ in primo congressu putavimus cum Sanctissimo Domino nostro agenda, sentiis collatis, convenimus. Quum itaque, nec absque causâ, post Domini Stefani discessum maxime veritissimus, ejus Sanctitatem suspicari, ne statutum prorsus sit, ut ad Regiæ Majestatis causæ ferendam sententiam istic procedatur, brevis originalis exhibitione non amplius expectatâ, Cæsarisque oratore de advocandâ causâ magnopere urgente, nil aliud expediens magis esse judicavimus quam si modis omnibus atque rationibus, eidem Sanctitati fidem faceremus, nihil minus istie impræsentîâ nunc agî, quam de proseguendo processu vel sententiâ ferendâ; ex quietiorique potius aliâ quâpiam viâ, a Regiâ Majestate bonum gravissimæ suæ causæ exitum expectari, utpote ex pacis tractatu, de quo nunc sedulo a principibus agebatur, taciteque Sanctissimo Domino nostro et Domino Jacobo Salviato aperte demonstravimus, quam gravis injuria ab ejus Sanctitate Regiæ Majestati vestrisque Reverendissimis Dominationibus inferretur, si Cæsarianorum intuitu de advocandâ causâ cogitaret quidem, nedum moliretur, quemadmodum aliis nostris literis ad Reverendissimam Dominationem vestram, copiose scripsimus. Visusque hactenus est Sanctissimus Dominus Noster nostris hiis rationibus acquiescere, præsertim quod a Domino Gregorio sincerissime secum agi putat, perspexitque directe nihil, aut multâ instantiâ de non advocandâ causâ fuisse a nobis procuratum. Die postmodum 21 ego Benetus, cum reliquis meis collegis, Pontificem adii, ab

ejusque Sanctitate benigne exceptus, filialique Regiæ Majestatis et humillimâ Reverendissimæ Dominationis Vestræ commendatione habitâ, et credentiæ literis exhibitis, perlectisque; gratus, inquit Pontifex, nobis extat adventus vester, eo imprimis nomine quod ab illo rege missi estis, quem ut unicum filium amamus, et in cujus gratiam, omnia semper promptissimo animo facturi sumus, quæ justè queamus efficere; et quamvis ob gravem nostram ægritudinem, alios oratores eâ humanitate et crebrâ admissione quâ summe cupiebamus, tractare nequiverimus, conabimur tamen quod nunc, cum recte valeamus, perspiciatis principis nullius oratores amantiori studio a nobis posse excipi quam vos. De rebus autem quas a Regiâ Majestate, et Reverendissimo Domino Eboracensi, vestræ fidei commissas habetis, libenti animo, omnia audiemus.

Dixi ego Benettus Regiam Majestatem, ut semper antea, sic et nunc, in filiali amore erga ejus Beatitudinem sincerissime fol. 173. perstare, confidereque ipsam paterno vicissim in se esse animo; vestramque Reverendissimam Dominationem, devotione et observantiâ nemini cedere; licetque hactenus Regia Majestas ea remedia suæ causæ non obtinuerit, quæ sancta, justa, necessariaque fuissent, potiusque aliquorum arte culpâque non recte consulentium, quam sinistrâ ullâ Beatitudinis suæ voluntate fuerint denegata, sperat tamen quod ubi ipsa, inspirante Deo, causæ statum, necessitatem, rectitudinemque penitus inspexerit, faciliiori animo futuram ad paterna auxilia benigne subministranda, quodque omnem Regiæ Majestati gratificandi occasionem pro viribus juvabit, siquam sua Sanctitas posthac forsân excogitaverit, vel aliunde offeretur; omnia interim ex pacis tractatu speranda esse; quæ visus est Sanctissimus Dominus Noster, læto animo omnia audisse; hanc præterea mei adventûs causam esse esse affirmavi, ut Regia Majestas, revocato ob alia nonnulla negocia Domino Stefano, meâ hic operâ, ac ministerio utatur, in his quæ tum in publicis, tum privatis tractandis actionibus juris esse et fidei meæ credenda existimaverit.

Nec visum nobis est, in primo illo accessu, progredi ulterius, ne ad id solum me missum putaret, ut causæ advocatio impediretur, quo cætera possent istic de continuando processu, minori cum difficultate peragi. Cœpit deinde Sanctissimus Dominus noster de publicis occurrentiis nobiscum colloqui,

dixitque etiam se renitente, tres mille Columnenses et Cæsarianos in agrum Perusinum convenisse, et pro viribus omnia se effecturum, ne Cæsarianorum numerus in suis dicionibus augeatur, si aliâ ullâ ratione res suas recuperare et confirmare queat; videturque considerâsse rationes quas ego Gregorius et Petrus in illâ suâ ingenti perturbatione adduxeramus, ut scilicet omnino a leviori injuriâ, quæ facile mox corrigeretur ulciscendâ abstineret, ne ignem inextinguibilem et exitialem sibi in sinum injiceret; et certe si Rex Christianissimus probe adverterit, quæ illi per Regiæ Majestatis oratores significavimus, et quorum etiam aliis nostris literis Florentinos distincte admonuimus, quam parum videlicet ex illorum comodo sit, ut in hoc præsertim rerum articulo permittatur Pontifex injuriâ tam insigni lacessitus corruere in præceps, futurum confidimus ut bonus aliquis modus inveniatur de ejus Sanctitate placandâ; præsertim quod magno suo suorumque malo sæpius experta est, quam perniciosum sit domi suæ proprios milites alere, nedum Cæsarianos, qui omnia rapinæ et excidio exposita haberi volunt. Sicque bonâ ab ejus Sanctitate acceptâ veniâ discessimus.

fol. 174.

Postridie advenerunt Dominus Silvester Darius et Franciscus Campanus, eâque ipsâ nocte, Silvester nos salutatum venit. Sequenti autem die, illum accersivimus, petivimusque an quicquam attulisset, quod Regiæ Majestatis aut vestræ Reverendissimæ Dominationis nomine, Sanctissimo Domino nostro referret. Respondit, credentiæ literas, triaque potissimum se habere, videlicet ut de non advocandâ causâ instaret, secundo, ut brevis originalis istie productione ageret, tercio ut ingentia pericula exponeret, quæ, haud dubie, ex hujusmodi advocacy exorta iri videbantur; de quâ impediendâ initos a nobis modos tunc exposuimus, et post rem utrinque disceptatam putavimus, consilio huic nostro, ut utiliori, esse innitendum; convenimusque ut sententiæ nostræ Dominus quoque Silvester sermones suos accommodaret. De originalis autem istie exhibitione, quum Cæsaris animum Regia Majestas compertissimum habeat, aperteque in Regiis instructionibus præscriptum nobis sit, ne de hujusmodi exhibitione istie vel hic quicquam agamus, sed rem omnem silentio involvamus, monuimus Dominum Silvestrum ne de eâ re quicquam loqueretur, pericula autem expedire diximus ut suo loco ac tempore, audacter exponeret.

Triduo postquam Sanctissimum Dominum Nostrum essemus alloquuti, cœpit ejus Sanctitas pristinis stomachi doloribus, adjectâ etiam feбри, correpta ægrotare, adeo ut adhuc admittat neminem.

Significavimus Domino Salvato, Dominum Benettum a Regiâ Majestate habere in mandatis ut suo nomine illum salutaret, et de multis alloqueretur; quo intellecto, Dominus Jacobus, captâ occasione, quâ posset commode ab ægroto Pontifice abesse, ad nos venit. Cui ego Benetus post regias cordatissimas commendationes, ingentes gratias egi, ob amicissima officia, quæ in Regiæ Majestatis causâ præstiterat; affirmavique quandoque futurum, ut rebus ipsis perspiceret, ea fuisse quam optime collocata; ac pluribus rogavi, ut in tam bonâ voluntate perseverare vellet. Respondit, fide ac voluntate ea omnia semper procurâsse, quæ Regiæ Majestati grata esse intellexit, et magnopere dolere, in tam gravi causâ, non potuisse ipsius expectationi satisfacere. Cæterum apud Sanctissimum Dominum Nostrum nullius operâ aut intercessione esse opus, qui in hâc causâ, nullum Cæsaris respectum, nullam commodi rationem, nullum rerum suarum periculum, sed solam conscientiam respicit; et eo magis, quum non res privata agatur, sed publica, et de quâ universo orbi et Deo imprimis exactissima sit reddenda ratio. Diximus in hâc re Regiam Majestatem cum Sanctissimo Domino nostro pulcherrime convenire, quæ nil aliud ardentius curabat, quam ut conscientiam a tam gravi scrupulo liberaret, et animæ salutem in portu collocaret; unumque utriusque esse propositum, licet fol. 175. diversa videatur ratio. Cujus et si adhuc sua Sanctitas effici nequiverit, nec ullus ei persuaderi modus potuerit, Regiæ Majestatis desiderio, et necessitati gratificandi, confidebamus tamen occasionem aliquam a Deo quoque oblatam iri, quâ et ipsa Sanctitas suam benevolentiam comprobare, et Regia Majestas causam suam tandem absolvere et stabilire valeat; interim dum occasio perquiritur, et expectatur, rem gratam Regiæ Majestati, et Sanctissimo Domino Nostro et sedi Apostolicæ non inutilem faciet, si hanc mutuam benevolentiam augere, et conservare studuerit, accurateque cavere, ne novæ injuriarum causæ, Sanctissimo Domino nostro procurante vel sustinente, suboriantur, qualis fuit illa de quâ ab ore Cæsaris super causæ advocacy olim tentatum fuit in Serenissimi potius Regis Nostri contumeliam, et ut illius amicitiam a sede Apostolicâ disjungeret,

quamque causæ vel Reginae expediret, vel deberet, aut deceret Sanctitatem suam tam iniquis petitionibus adnuere. Generalibus verbis se omnia facturum promisit. Deinde, ut inter loquendum de Campani adventu et de his quæ ille attuler[at] aliquid eliceremus, subridentes diximus nos antea consuevisse nova ex Angliâ illi nunciare, sed opus nunc esse ut vicissim aliqua ipse nunciet, ob literas quas recentiores a Campano allatas esse non dubitabamus⁹¹.

Habemus inquit litteras, et summâ festinatione causæ Regiæ processus in Angliâ urgetur. Hunc nuncium nos repente admirati sumus, veluti inopinatum et falsum. Nescio inquit Salviatus an hoc verum sit necne, sed ita vivâ voce refert Campanus, et Campegius suis literis apertissime scripsit, quas ostensurum se nobis promisit. Repetiit Dominus Benetus, qui sub idem tempus quo Campanus ex Angliâ discesserat, se certo scire de hujusmodi processu nihil agi, nec omnino actum iri aliquid, nisi de firmissimo exitu, objicibus omnibus amotis, Regiæ Majestati prius constiterit; sed hoc verum esse quod nonnullæ disceptationes de brevis transumpto inter Consiliarios Regis agitabantur, et nonnullis aliis de rebus; verisimileque esse ut illi qui in actionibus aliorum nimium conjecturis fidunt, præpostere judicent, ut nunc Campanus qui præterea dixit multos istic conflictus habuisse de iis verbis quæ de plenitudine potestatis Pontificis nomine dicta sibi objiciebantur, planeque negat quicquam tale a se promissum, et nescire prorsus ejus sint momenti illa verba *ordinariæ vel absolutæ* potestatis. Respondimus quod quum ignoraret, tanto magis ab eo dicta putamus, licet nullus eâ in re locus ignorantiae videatur, atque ita innumeris rationibus affirmavimus fidemque nostram obstrinximus nihil prorsus de processu agi. Nunc videre potest Regia Majestas ea quæ suis instructionibus mandat ut secretissima habeamus, nec de eis quicquam Pontifici referamus, istinc ejus Sanctitati prius nunciari quam nobis sint cognita; id utrum expediat, vestræ Reverendissimæ Dominationis prudentissimo consilio remittimus. Nos certe existimamus, obfuisse plurimum, et nunc præsertim obesse maxime; atque ubi iterum atque iterum Regiam causam Domino Jacobo commendavissemus, abiit; eumque Dominus

fol. 176.

⁹¹ From this point it is in cypher decyphered.

Gregorius cum quo quandam intimam habet familiaritatem, solus deduxit. Cui Dominus Jacobus dixit, quod superiori die post acceptum nuncium de processu, Pontifex decreverat causam advocare; fuisseque sibi eâ in re, ut ejus Sanctitatem contineret, quam maxime elaborandum. Cæsar enim videtur nil magis cordi habere, quam ut hoc negotium impediatur; ejus orator per viam ordinariam signaturæ justitiæ hic urget ut causa advocetur. Hoc justitiæ genus, omnibus patens, Pontifex putat difficillime posse Cæsari denegare; nec antea visus fuit orator Cæsaris de advocatione procurandâ conquiescere quam sua Sanctitas, rationibus perspectis et fide acceptâ a Gregorio de non futuro processu, multa Cæsaris oratori promiserit. Nunc vero si processus istic agatur, putat se in gravissimâ perturbatione apud Cæsarem constitutam iri, qui a Pontifice se deceptum dicit.

Dominus Jacobus ait aliquam spem esse de continendo Pontifice, si illum securum reddere queamus, quod non istic feretur sententia. Nos jurejurando centies illi fidem nostram obstrinximus, admonuimusque Pontifici cavendum esse ne aliquid agat, in hâc advocatione. Res enim erat gravior quam hic putabatur; et quamvis ordinario quodam tramite, in minoribus causis, hic concederentur advocationes, in hâc tamen multo diversa erat ratio; nam præter innumeras allegatas causas diximus, si hæc causa nunc a Pontifice advocetur, statim universæ Angliæ regnum, quod semper viderit esse syncerissimam inter ejus Sanctitatem et Regiam Majestatem conjunctionem, quod existimavit legatos missos ut ex æquitate rem definiant, quod Regiam Majestatem conscientiae scrupulo moveri, nilque nisi quod cum Deo sit, quærere, nil aliud putabit, nisi nefandum aliquod scelus a suo rege et legatis fuisse perpetratum et causam priusquam intelligatur esse iniquissimam, sicuti hic sine aliquo scandalo, infamiâ vel injuriâ advocari⁹², et non fuisse, ex curiæ more advocatam, sed solum quod malam et injustam eam censuerit Pontifex quam alioquin non advocâisset, præ- fol. 177.

sertim cum publice et non consistorialiter destinati fuerint legati ambo, eruditione et prudentiâ præstantes, moribus atque vitâ integerrimi, et religione in Deum nemini cedentes, qui malint in frustra discindi quam in re sanctâ inique quicquam

⁹² There is probably some mistake, owing to the cypher being wrongly used.

agere. Quot vero ingentia mala hinc exorirentur, quæ Christiano orbi, nedum sedi Apostolicæ, irreparabilem perniciem afferrent, ipse judicaret.

Gavisus quidem est hæc intellexisse, et omnem suam operam apud Pontificem pro impediendâ advocacy nobis est pollicitus et ex animo obtulit. Quumque diceremus Regiam Majestatem, summum semper respectum et observantiam ad Pontificis auctoritatem habuisse, nihilque hactenus, injuste attemptasse quamobrem ejus Sanctitas, causam debeat advocare; quod si fiat, putabunt omnes suæ Majestatis subditi, id solum a Pontifice fuisse factum, ob clandestinam aliquam fraudem et fallaciam, excogitatam a suâ Majestate et legatis, tantaque infamia Regiæ Majestati hinc impingetur et tam atrox erit injuria, ut nullo unquam tempore reparari queat, et certe nullâ in re posset sua Sanctitas honorem Regiæ Majestatis gravius offendere, nec ullam inferre injuriam quæ ejus animum vehementius premeret; has omnes rationes putavit Dominus Jacobus Salviatus admodum efficaces quæ Pontificem movere possent.

Monuimus præterea Dominum Sylvestrum, quibus rationibus cum Pontifice agere debeat, ut fidem illi faciat de nullo istic tractari processu, nec sententiâ ferendâ; sed veremur ne plus credat Campegii literis, et Campani verbis quam nobis. Omnia tamen nos experiemur ne causa advocetur. Ego Gregorius dum alloquerer Dominum Jacobum Salviatum, Pontifex enim adhuc ægrotat, et ille subinde inculcaret illa quæ de proseguendo processu ex Reverendissimi Domini Cardinalis Campegii literis de proseguendo processu intellexerat, et miraretur id a nobis negari, constanter Domino Jacobo affirmavi, me ex doctore Benet et Petro literisque ex Angliâ acceptis certo scire de processu istic nihil agi, sed quod putabam hoc esse accuratissime considerandum, quod Campegius, homo erat et sui ornamenti et exaltationis quam maxime studiosus, principumque gratiam maximi faciebat. Is mirabilia in causâ Regis se facturum promiserat, usque adeo ut ipsi Regii consilarii, plura aliquando illum promississe et affirmasse putaverint quam debuerat, vel quam ex jure præstare posset, ad eum finem non ut Regiæ Majestati satisfaceret, sed ut ex illâ prætensâ ingenuitate animi gratiam Regis sibi conservaret; ex alterâ vero parte multa de processu futuro crebro hic signi-

ficans tacite Pontifici suaderet ut causam advocaret ex cujus advocacy hoc assequeretur Reverendissimus Dominus Campegius. Primo ab hoc negotio se liberaret, Majestati Regiæ diceret se omnia facturum fuisse, nisi Pontifex causam advocasset sibi que manus colligasset, in suamque Sanctitatem culpam omnem rejiceret; Cæsarique gratificabitur, vel saltem non offendet; et apud vulgus, quod exteriori signo solummodo movetur, et cui causæ rectitudo ignota semper est, magnæ suæ conscientiæ fidem faciet, quæ omnia ut facilius ex voto succederent, ideo de futuro processu multa scribere et comminisci ausus est. Hæc ego Gregorius libere dixi Domino Salvato quo plus fidei nobis haberet de processu rogantibus quam Domini Campegii literis affirmantibus; et hæc quum verisimilia sint, Pontifex cavere debet, ne iis artibus omnem ipse culpam subeat, et ab ejus solâ Sanctitate Regia Majestas tam atrocem injuriam sibi illatam putet; quibus rationibus Dominus Salvatus prorsus assensit, dixitque se velle Pontifici omnia sigillatim exponere. Rogavi deinde ne solis Reverendissimi Campegii literis et Campani relatu adducti aliquid præcipitanter ageret⁹³, in causæ advocacy. Quod si de advocandâ causâ plane Pontifex statutum habeat, saltem aliquot menses interponat; suæ enim Sanctitati, hinc ad annum non deesset eadem facultas quam nunc habet in manibus; certo namque sciebam Regiam Majestatem nolle ut ullo modo in causâ prius procedatur quam exitum securum habeat, et omnia impedimenta sint sublata; quod non nisi multo interjecto tempore assequatur. Dixit præterea Dominus Salvatus, Pontificem intellexisse Regiam Majestatem hoc solum curare ut una tandem sententia pro se a legatis feratur, quâ habitâ, nolle ullam confirmationem expectare, sed repudiâtâ Reginâ cum alterâ contrahere, id quod nescio unde collegerit, nisi ex Campegii literis vel Campani verbis. Respondi falsum hoc esse judicium, compertam namque nobis esse, Regiam Majestatem nihil velle agere, nisi prius obtinuerit firmissima omnia suæ causæ fundamenta; nosque habere plura et commissionum et pollicitationum genera, a Pontifice impetranda, priusquam Regia Majestas velit ut ullus processus habeatur; et de eis impetrandis assidue nos urget Regia Majestas. Cæterum, etsi de iis quæ

⁹³ This appears to be a mistake of writing for *adductus ageret*, or else *adducti agerent*.

fol. 179.

hactenus petierimus, nihil Pontifex nobis concesserit, non deerit tamen posthac aliquis modus suæ Sanctitati se excusandi, quod sui et Regis honoris rationem habuerit, sed si novam aliquam defensionem innovaverit, ita Regium pectus incitabit ut nullis modis possit mox corrigi et resarciri, perpetuumque et execrabile odium sit futurum, totque rationibus rem hanc tractamus, ut confidamus differre posse sed non divertere hanc advocacy. Consueverat Pontifex ob fidem quam mihi habet, et quam ego illi obstrinxeram, suas aliquando literas in Galliam mittendas mihi credere, ne Florentiæ in itinere interciperentur, et ego has ad Regios apud Christianissimum oratores, ut legato Salviato fideliter traderent mittebam. Jampridem apud me ejus Sanctitas conquesta est, quod a Regiis oratoribus fasciculus literarum suarum datarum quartâ Maii resignatus et non admodum provide obsignatus fuerat Cardinali Salviato redditus; quam rem multis modis excusavi, nunc vero ait se pro comperto habere ex suis fasciculis, a regiis oratoribus literas esse extractas et missas Venetias, ut ex secretioribus notis interpretentur, et adeo certe id se scire ut interpretata suarum literarum exemplaria viderit. Hæc quidem indigne fert, et ego vehementer doleo ista accidisse, et video ejus Sanctitatem sub meâ fide esse deceptum a Regiis in Galliâ oratoribus; et quod prius est, dictas literas et alias omnes ad eos directas ita parum considerate obsignârunt ut facillime id potuerit dignosci, et Venetias ita temere miserunt, quum nullum illic medium habeant, cui tuto hanc rem credere possint, ut Pontifex statim omnia resciverit. Optimum igitur mihi videtur, ut vestra Reverendissima Dominatio aliquid scribat in hujus rei excusationem, de hacque re Regia Majestas cum Campegio loquatur, se nihil tale unquam rescivisse sique a suis oratoribus factum compererit, ostendet quam moleste id ab illis ferat, sed omnino rogo Dominationem vestram Reverendissimam, ne ulla prorsus mentio fiat Campegio, quod Pontifex suarum literarum exemplaria Venetiis acceperit. Nam Salviatus institit ne eâ de re mentionem facerem.

Hæc quæ superius scripsimus ejusmodi esse putamus ut sint a Dominatione vestrâ Reverendissimâ probe consideranda et reticenda, nec cum Reverendissimo Campegio communicanda, et prudentissimo Regiæ Majestatis judicio remittimus. Nos

certe non nisi quæ verissima sunt, fideique nostræ et officio consona significavimus. De cæteris Dominatio vestra Reverendissima statuet quod magis expediens judicaverit⁹⁴.

Postquam hæc scripsissemus, allata sunt nova longe diversa ab his quæ expectabamus de clade illatâ Regis Christianissimi exercitui a Cæsarianis, quæ tanto magis vel fato vel negligentia tribuenda est, quanto diligentius et debuisset et potuisset prævideri; quæ res quanto sit publicis ac privatis rebus damno futura, facile vident omnes. Veneti primo statim impetu trium dierum iter confecerunt quo a periculo quam procul abessent. De hâc clade, variis ex locis eadem ferme nunciantur. Solum ea mittimus quæ Pontificis Thesaurarius nunciavit ex Placentiâ. Cæsaris adventus pro re compertâ ante habebatur, et ex hoc successu certior et celerior ab omnibus habetur. De pace Cambray componendâ, multa hic spes erat, nisi ex hoc novo illius conditiones reddantur difficiliore. Videntur nonnulli ex confœderatis suspicari, Regem Christianissimum quameunque pacem, non recusaturum esse. Et optime valeat Reverendissima Dominatio vestra, quam humillime rogamus ut potenti[ssimæ] Regiæ Majestati dignetur nos reverentissime commendare.

Romæ, die 28 Junii, MDXXVIII.

Ejusdem vestræ Reverendissimæ et Illustrissimæ Dominationis,

humillimi servitores,

W. Benet.

Gregorius Casalius.

humillimus ac perpetuus servus,

Petrus Vannes.

Reverendissimo in Christo patri et Illustrissimo Domino Thomæ Cardinali Eboracensi, et Apostolicæ [sedis] de latere legato, etc., [ob]servandissimo.

⁹⁴ Here the cyphered part of the despatch ends.

Number XC.

*Letter from Gardiner to Wolsey on the pollicitation drawn
up by Campeggio, written June 30th, 1529.*

Record
Office.

PLEASETH it your grace to understand that at my repair unto the king's highness this morning, I shewed unto his grace the pollicitation conceived by my lord Campegius, which liked his highness very well, insomuch as he said it could not be better devised, ne with more ample words. I should have come unto your grace, to have declared this by mouth, but that his highness having before my coming appointed me a chamber, and spoken for mine allowance, gave me special commandment not to depart hence, with this addition, *nescitis neque diem neque horam*. So as looking this night that his highness will call for me *ut experiatur et cognoscat* how I will follow his grace's commandment, in that behalf,—I dare not depart hence, trusting that your grace will consider this accordingly. Thus I pray Almighty God to preserve your good grace.

From Grenewich this Wednesday at afternoon.

Your grace's most humble servant

and daily bedeman,

Steven Gardynr.

To my lord legate's good grace.

Number XCI.

Original letter of Clement to Wolsey explaining that he cannot in justice deny the queen's right of appeal to himself.

DILECTE fili, salutem et Apostolicam benedictionem.

Vitell. B.
xi. fol. 186,
al. 193.

Jampridem prospeximus quos in scopulos duceret nos studium Regi Serenissimo ac Circumspectioni tuæ gratificandi; sed amore ac memoriâ vestrorum in nos et hanc sanctam sedem meritorum, vestrisque [urgentibus] stimu[li]s coa]cti sumus, ut ulterius progredi non possimus sine manifesto periculo; quod quidem non tam timemus, quam scandalum quod universæ Christianitati veniret, si tantum nostræ erga vos ben[ivolentiæ] tribuere vider[emur], si a]lterius partis postulata reji[cia]mus in iis quæ viâ justitiæ denegare non possumus; sed tamen in hoc etiam egimus adhuc atque agimus quicquid possumus, ne ad ullam rem adducamur [quæ] suæ minus grata [Majestati esset]; verum in aretum jam cogimur, ut audiet tua Circumspectio ex dilecto filio nostro Cardinali Campegio, ad quem prolixius de his scribimus, ut etiam locuti sumus cum Regiis apud [nos oratorib]us, inter quos [dilect]um filium, Willelmum Benet, qui proxime ad nos venit, singulari virtute ac vestrâ benivolentiâ dignum libenter videmus. Ceterum studium tuum, curaque rerum nostrarum atque [hujus sedis], quam a charissimo in Christo filio nostro Rege isto teque susceptum iri polliceris, gratissimum nobis est, ac Majestatis suæ et Circumspectionis tuæ anteaeti temporis meritis ac virtute maxime consentaneum; in quo ut per[stet], e]jam in Domino veheme[n]ter hortamur.

Dat. Romæ apud Sanctum Petrum, sub annulo piscatoris, die octavâ Julii, M.D.XXIX. Pontificatûs nostri anno sexto.

Blosius.

Dilecto filio nostro, Thomæ tituli Sanctæ Cecilie Presbytero Cardinali Eboracensi, in Angliâ nostri et sedis Apostolicæ legato de latere⁹⁵.

⁹⁵ This document is on parchment, a little burnt and shrivelled.

Number XCII.

Original letter from Benet, Cassali, and Vannes, to Wolsey, continuing their account of their efforts to get the advocacy of the cause deferred, written July 9th, 1529.

Vitellius
B. xi. fol.
194.

REVERENDISSIME in Christo pater atque Illustrissime Domine, Domine observandissime, post humilem commendationem. Die 28 Junii ad Vestram Reverendissimam Dominationem ultimo scripsimus, copiose quidem ac distincte, de iis quæ tunc nobis occurrebant; quumque post captivitatem comitis Sancti Pauli, Venetique exercitus receptionem, illa Lombardiæ itinera parum tuta sint reddita, coacti fuimus per Genuam literas nostras mittere; iis tamen quæ majoris momenti videbantur, secretioribus commissis characteribus, fasciculoque mercatorio more complicato. Postridie vero ejus diei, allatæ sunt ex Angliâ a Reverendissimo Domino Campegio ad Dominum Jacobum Salviatum literæ 4 die Junii datæ.

Quid autem in illis scriptum fuerit nequivimus ex Domino Jacobo cognoscere, quum alioquin antea consueverit nobis et Domino Gregorio multa referre, ipsis etiam ostensis literis; dixitque se a Reverendissimo Domino Campegio admonitum fuisse, quod nimis libere nobis suas literas ostenderet. Ceterum Dominus Feltrensis de Anglicis novis interrogatus, Reverendissimi Domini Campegii ad se literas legendas nobis exhibuit. In quibus de Regiâ causâ hæc scribebantur, videlicet.—Die primâ Junii ⁹⁶ cognosc[endæ] causæ onus suscepimus. Exhibita est nobis commissio. Decreta fuit in Regem et Reginam citatio ad 18 Junii. Dominus Linconiensis et Bathoniensis nuntii ad id designati. Maximopere hic urgetur ut ad exitum causa deducatur.

Et quoniam apertissime videmus Sanctissimum Dominum Nostrum animo prorsus statuuisse, ne Cæsarem offendat, nihilque in Regiæ Majestatis causâ facturum videatur, quod non fuerit bono Cæsaris consensu, semperque speraverit aliquando

⁹⁶ The passage must be quoted from memory. The first of June is a mistake for the last of May.

inventam iri occasionem, quâ hoc negotium, consentiente Cæsare, ex Regiæ Majestatis desiderio componi possit, veluti per publicam pacem, de quâ in præsentia tractari dicitur; nihil suæ Sanctitati, in tantis undique angustiis constitutæ, gravius aut molestius nuntiari potest quam istic suæ commissionis vigore festinanter agi de processu. Quam ob causam, ut dictam Sanctitatem ab advocandâ causâ contineremus, cogitare cœpimus, ut semper antea, quibus potissimum rationibus id possemus efficere, expedireque putavimus, si de nullo istic agi processu, vel saltem de non ferendâ sententiâ affirmaremus; quâ in re maximum in modum elaboravimus, partim iisdem quas antea adducens rationibus, partim etiam compluribus aliis excogitatis; suæque Sanctitati ostendimus quod si causæ processus fuerat istic inceptus, ad eum solum finem Rex et Regina fuerant citati, ne ob novam istic auditam Pontificis ægri-tudinem, si adversi aliquid ex eâ ejus Sanctitati accidisset, præjudicaretur commissioni et jurisdictioni antea concessæ. Et quod nos compertum habebamus vestras Reverendissimas Dominationes ad ferendam sententiam nunquam venturas esse, neque Regiam Majestatem id permissuram, nisi prius securis-sima esset de sententiæ ratificatione, aliisque pollicitationibus, quæ necessario ab ejus Sanctitate concedenda erant, multo ante quam ad sententiam deveniretur. Ostendimus quoque Sanc-tissimo Domino nostro immensa et manifesta scandala, ingens dedecus, summam infamiam, excidiumque irreparabile quod tum Regiæ Majestati, tum vero sedi Apostolicæ et universo orbi ex hâc advocacy succederet; quæ omnia adeo in Sanctissimi Domini Nostri et Domini Salviati pectus inculcavimus ut eorum uterque rationibus nostris acquieverit, animo et spe, ut ipsi quoque efficerent, ut Cæsariani his ipsis rationibus acquiesce-rent, nisi novi aliquid exoriretur.

Interim dum hæc nostra consilia agitaremus, die sextâ præ-sentis mensis, simul omnes accersiti sumus a Pontifice, atque ubi ejus Beatitudinem adivissemus, in hæc verba nos alloqui cœpit. Cæsaris et Regis Ferdinandi oratores hodie summo mane nobiscum fuerunt, dixeruntque ad se allatas literas a Dominâ Margaretâ die nonâ Junii datas, in vehementem admo-dum Cæsaris nomine Reginæ commendationem; atque una cum eis mandatum accepisse a Reginâ, in quo facultas dabatur *fol. 195.* omnia hic agendi, impediendi, et procurandi quæ in favorem

Reginæ possent excogitari. In eodemque mandato inserta erant bullæ dispensationis et novi brevis exemplaria, additâ etiam clausulâ declaratoriâ, quod Regina principem Hæreturum nunquam cognoverat; hocque mandatum subscriptum erat ipsius Reginæ manu; dixeruntque dicti oratores, quemadmodum Regina suis literis ad Dominam Margaretam scripserat quod invita ad hanc suam causam defendendam veniebat, et quod sciebat magnum ex hâc re scandalum successurum esse, et imprimis suum manifestum excidium, et quod potius æquo et ultroneo animo se Regi interimendam volebat exponere, quam tantam animæ suæ et honoris læsionem admittere. Ideoque summo opere rogabat ut dicti oratores sibi auxilio essent, quatenus justitia pateretur. Qui ab Sanctissimo Domino Nostro instantissime contenderunt ut in advocandâ causâ et in aliis juris remediis concedendis, justitiam sibi non denegaret; alioquin protestabantur se alia remedia velle perquirere, quæcunque illa fuerint; conquestique sunt de Pontifice, quod quum a Cæsare in mandatis haberent, de causæ advocacy diligenter procurandâ, tamen verbis ac promissis, quod in Angliâ non procederetur, hætenus conquievere[rit]. Nunc vero festinanter proceditur, ut adversus Reginam sententia feratur.

Hæc omnia gemebundo et perturbato pectore Pontifex nobis retulit, et tanta sui animi anxietas erat, ut sublati manibus collachrymans mortem sibi a Deo precaretur, quo a tanto martirio liber esset.

Respondimus, nos quidem de processu nihil scire, et plane credere, processum nullum istic actum, aut sententiam ullam definitam iri, nisi Regia Majestas securissimum primo omni ex parte suæ causæ exitum habuerit. Fieri tamen poterat quod, cognitâ suæ Sanctitatis novâ ægritudine, et quum ipsa fortunæ casibus, ut homo, sit obnoxia, vestræ Reverendissimæ Dominationes causæ processum istic inceperint, ad perpetuandam solummodo jurisdictionem⁹⁷.

Diximus Cæsarianos potius in suis justitiæ exclamationibus confidere, quam in puritate justitiæ et rectitudine; non enim de hâc re juste conqueri poterant, quum Regia Majestas mirum semper ad justitiam respectum habuerit; nihil inique a legatis fuerat commissum; post multam deliberationem publice et concistorialiter legati fuerant destinati, eisque pari modo data

⁹⁷ From this point the letter is in cypher decyphered.

fuit commissio; Regia Majestas autem nihil nisi de suæ gravissimæ causæ definitione secundum justitiam agat. Injustissimum profecto esset velle sanctum illud institutum impedire; et quum dicta Majestas ante oculos justitiam et Dei respectum propositum habeat, rerum omnium molestissime ferret si hæc causa advocaretur, pacatioreque animo sustineret si sua Sanctitas, indicto bello, decem letalia vulnera infligeret quamquam causam advocaret; quæ res non ad justitiam consequendam videretur, quum nihil injuste agatur, sed potius inimico animo fieret ad tantum Regem concitandum ac sempiternæ ignominie maculam suæ Majestati impingendam, ad universum orbem contra illum principem commovendum, qui sedi Apostolicæ et Christianæ religioni pro unico præsidio relictus est; unde procul dubio Anglicanæ Gallicæque ecclesiæ a Romanâ sede defectio proficisceretur, quâ quidem disjunctione Cæsariani putant nihil esse posse ad suam tyrannidem promovendam accommodatius. Diximus etiam quod suæ Beatitudinis partes erant constanter conservare et tueri, quod semel concesserat. Libentissime, inquit, vellem, et possem nisi Regina, amplissimo misso mandato, reclamaret. Respondimus nos, non injustam, vanam et meticulosam mulieris reclamationem attendendam esse, quæ fol. 196. reclamationis bullâ ex certâ ejus scientiâ et potestatis plenitudine sublata erat; sed probe ejus Sanctitas secum ipsa consideraret, quo animo et ad quem finem commissionem concessisset, an ut in causâ ad cognoscendam justitiam procederetur, vel potius ut ex concessæ commissionis prætextu manifestissima injuria tam optimo principi inferretur; perpenderet deinde ingentia mala, eademque irreparabilia, quæ ex hac advocacy exorirentur, quum ex adverso non nisi innumera bona publice ac privatim expectanda sint. Dixit sua Sanctitas indolens, Heu, hei mihi, nemo melius quam ego hæc omnia perspicit; sed ita inter incudem et malleum versor ut, quum Regiæ Majestati gratificari voluerim, omnis procella in caput meum, et, quod pejus est, in Christi ecclesiam convertenda sit, videoque publicam totius Christianitatis ruinam et præsertim hujus pacis in quâ tantopere sperabam. Verumtamen tanto malo remedia adhibere nequeo; hactenus enim hos Cæsaris oratores iis quidem rationibus quod de processu istic nihil ageretur, ex eo capite de non advocandâ causâ cum illis agens, quod a Reginâ nullum haberent mandatum; impræsentia vero

mihi exhibent mandatum amplissimum a Reginâ, novaque habent, quod istic strenuissime proceditur, instantissimeque ab illis petitur ut subitum aliquod remedium Reginæ provideant, efficiantque ut causa quamprimum advocetur, petuntque a nobis et increpationibus urgent ut nolimus illis denegare aut impedire justitiam et ordinem signaturæ, asseruntque quod in hâc causâ multo magis agitur de honore Cæsaris quam Regis, maximumque esse suæ Majestatis vituperium ut tam injuste sinat suam familiam deturpari. Quamobrem Cæsar pluris facit hanc causam quam omnia sua regna, quæ ait solum esse ornamenta fortunæ, sed hæc causa nimis *prope*⁹⁸ suum tanget honorem; ad quæ Pontificis verba, nos omnia respondimus quæ a nobis potuerunt excogitari, nec aliquid reticimus quod necessarium visum fuerit, audacterque affirmavimus, quod si sua Sanctitas hanc causam advocaverit, faciet contra commissionem suam et promissionem et fidem sæpe nobis vivâ voce et scriptis datam. At sua Sanctitas respondit, desiderium suum esse ut multo plura observet, quam promisit, sed quod impossibile est ut alicui impediatur signaturam justitiæ, et tanto minus Cæsari, a quo ita undique circumdatur quod non solum ab eo cogi possit ut ei justitiam administret, sed in ipsius quoque manu est de illius Sanctitate ejusque rebus omnibus pro arbitrio disponere.

fol. 197.

Tandem Pontifex post innumeras altercationes conclusit quod hanc advocationem ad aliquot dies intertenere volebat, a Cæsarianisque petere ut videret et examinaret Reginæ mandatum, quod adhuc non legerat; et quod conaretur excogitare quascunque rationes posset advocationem protrahendi. Nunc autem quum videamus res in eo statu et dispositione esse constitutas ut non possimus aliâ in re Regiæ Majestatis inservire, quam conari ut differatur advocatio et tempus interponatur, consulimus inter nos, quid optimum factu esset, quo advocatio protraheretur ut istic Reverendissimæ Dominationes vestræ aliquod bonum opus possent operari. Visum fuit nobis expediens et maxime necessarium esse ut nullo pacto propter prædicta scandala vellet hanc advocationem præcipitare, sed quam primum animum et deliberationem suam Regiæ Majestati declararet; quod si facere non gravaretur, pro re verâ credebamus quod sua Sanctitas eâ ratione innumeris malis mede-

⁹⁸ The cypher is wrong here; *prope* seems most probable.

retur, et quod Regia Majestas responsum daret justitiæ et rationi consonum, et quod dicta Sanctitas exponere poterat Cæsarianis gravia mala quæ ipsa videbat, et ex nobis intellexerat, manifeste ex hâc advocacy successura essent; præterea quod sua Sanctitas bene sciebat quod ex hoc processu non poterant ad diffinitionem sententiæ procedere, ob quas rationes sua Sanctitas committere nolebat tanta scandala, nisi plusquam necessarium esset; volebat ideo dicta Sanctitas summâ cum diligentia ad Campesium et Regem tabellarium destinare qui pari diligentia reverteretur; unde duos effectus operaretur, etenim vel efficeret quod istic in causâ non procederetur ulterius, quod se facturam sperabat, vel saltem omnia certo sciret quæ istic agerentur, suamque conscientiam exoneraret, neque adhuc incerta tantorum malorum origo esset, et quod sua Sanctitas, nisi omnia quæ superius dicta sunt pro veritate antea compererit, non erat concessura advocacy; atque ita cum prædictis excogitatis rationibus remisimus Dominum Gregorium ad Pontificem ejusque Sanctitati dictæ rationes admodum probantur; illud tamen obstabat quod timeret ne Cæsariani propter eorum importunitatem et vehementiam nollent dictas rationes admittere. Placuit tamen Pontifici ad eos mittere Dominum Salviatum qui rogaret ut ob salutem totius Christianitatis et suæ Sanctitatis honorem nollent pro hâc advocacy instare donec a Regiâ Majestate responsum hoc reportaretur; sicque Dominus Salviatus Cæsareos oratores adiit; et revera ipse et Pontifex ostendunt maximam synceritatem et affectionem erga Regiam Majestatem, maximumque ardorem et desiderium illi inserviendi, et nullos labores aut perturbationes recusant ut, summâ cum fide et diligentia, eidem Regiæ Majestati rem gratam faciant. In summâ Dominus Salviatus, quamvis innumeras rationes summasque preces omni instantiâ et modis omnibus adduxisset, nihil tamen aliud a Cæsaris oratoribus obtinere potuit, nisi quod ipsi vehementissime petebant et exclamabant, "Fiat justitia, fiat justitia," et quod nullam dilationem admittere volebant. Et ego Gregorius ne Cæsariani suspicarentur nihil aliud a Pontifice illis dici, quam ea quæ a nobis prius accepisset, solus et tanquam fol. 198. aliud agens ad Pontificem rediit; et ubi hanc Cæsarianorum resolutionem cognovissem, respondi ejus Sanctitati quod ejus officium erat, non ad ea respicere quæ Cæsaris oratores volunt,

sed ad id quod decet, et quum modus iste optimus videatur, sicut omnino est, hunc ipsa exequi debet, absque alicujus respectu; nec justum aut boni parentis officium est, ut omnia quaecunque petierint Cæsariani, concedat, Regi vero omnia an etiam quæ justissima sunt, denegaverit.

Hodie Cæsaris et Ungariæ oratores cum Pontifice fuere; ardentissime, importunissimeque petiere, ut omnino in proximâ signaturâ, quæ die Sabbati erit, velit sua Sanctitas hanc advocacy concedere; quorum petitioni Pontifex strenuissimis rationibus repugnavit, petiitque ut ipsi hujus rei onus suæ Sanctitati relinquerent, quæ meliorem modum inveniret quam ipsi quærent, nec tot mala committerentur; isti tamen Cæsariani, singulâ quâque horâ, duriores et obstinatiores fiunt, dicuntque multo melius futurum quod Regia Majestas conqueratur de *sua Sanctitate* ob administratam ab eâ justitiam quam quod Cæsar doleat pro justitiâ *ab eâdem Sanctitate* injustitiam accepisse.

Postquam hi oratores a Pontifice abiissent, ad ejus Sanctitatem accessi ego Gregorius, quam penitus consternatam et perturbatam repperi, et post multos sermones, et dolores plenos, sua Sanctitas, ut bonum animum erga Regiam Majestatem declararet, in hæc se resolvit, ut hic Tabellarius omnino istuc expediatur, et quod sua Sanctitas omni operâ ac manibus et pedibus intertenere conabitur Cæsarianos, velint, nolint ipsi, ut quæ⁹⁹ ad hujus Tabellarii reditum quod ab ipsâ factum iri speramus, nisi aliquod aliud novum supervenerit.

Pontifex de iis rebus copiose scribit ad Regem et ad Dominum Campegium; et hoc sua Sanctitas vellet, ut scilicet unæ litteræ ad se manu Regis scriberentur in quibus sua Majestas promitteret se nolle impræsentiam ulterius procedere.

Hodie mane a Regiâ Majestate literas accepimus, Londini datas vicesimâ tertiâ Junii, ex quibus intelleximus quicquid de causæ processu nobis significabit; et postquam sigillatim omnia adnotavimus, et ordinavimus, expedire judicavimus, habitâ præsentis statûs ratione, ut dictarum literarum tenorem, in hunc modum Pontifici exponeremus, videlicet, Regia Majestas ad nos scripsit, quemadmodum inchoatus erat processus, et quod sua Majestas et Regina citati fuerant a legatis; quam cita-

⁹⁹ There is some mistake in the cypher which the editor is unable to correct.

tionem Regina contempserat, et neglexerat, et protestata fuerat, quod ejusmodi processus nullius erat momenti; et quod Reginae concessus fuerat unius mensis terminus ad respondendum; et quod ipsa omne fundamentum et spem reposuerat in Caesarianorum auxilio, eorumque favore apud suam Sanctitatem. Rex igitur vehementissime rogabat ejus Sanctitatem fol. 199. ut ad Caesarianorum intuitum nihil concedere vellet, quod cedere possit in suæ causæ præjudicium, omneque nostrum fundamentum reposuimus de intertenendo Pontifice et de protrahendâ advocacy, non deveniendo ad ulla alias particularitates quas judicamus maxime obfuturas esse, et non profuturas; et hunc modum satis commode exequi possumus, quia per ordinarias vias non fuerunt hæ nostræ literæ allatæ, neque Salviatus ulla literas accepit, neque Dominus Feltrensis ulla habuit nisi fasciculum qui cum nostris erat, quas non reddidimus, nec reddemus, nisi cum expedire putaverimus. Dominus Jacobus Salviatus dixit mihi Gregorio libere, quod non oportet ut secum dissimulemus de processu; nam Dominus Campegius omnes actiones et mentem Regiæ Majestatis perscripserat.

Sed si impediri non possit quin Caesariani producant in proximâ signaturâ supplicationem advocacy signandam, speramus tamen quod auxilio et bonitate Pontificis, et auxilio Cardinalis Anconitani, advocacy protrahemus ad aliquot dies.

Reverendissime Domine, Causa Regis eo hic deducta est quod impossibile sit Pontifici, ut signaturam justitiæ Caesarianis neget; et omnes auditores et referendarii signaturæ justitiæ affirmant suæ Sanctitati, quod nullo pacto ex justitiâ potest denegare hanc advocacy. Nos itaque nil aliud boni efficere possumus, quam conari ut quantum potest differatur, et speramus differre hanc signaturam, donec istinc responsum habeamus. Oportet igitur ut Regia Majestas se quamprimum resolvat, utrum melius sit ad instantiam suæ Sanctitatis processum suspendere, vel potius posse procedere ad sententiam, ante advocacy, in quâ differendâ, de tempore incerti sumus, ob crebras novitates rerum.

Et felicissime valeat Reverendissima Dominatio vestra, quam vehementissime rogamus ut Regiæ Majestati nos velit humillime commendare.

Romæ die 9¹ Julij, MDXXVIII.

Vestræ Reverendissimæ et Illustrissimæ Dominationis
humillimi servitores,

W. Benet.

Gregorius Casalius.

humillimus ac perpetuus servus,

Petrus Vannes.

To my lord legate's grace.

¹ Wolsey's reply, in cypher, to Westminster, July 27, and states
this letter is printed in State Papers, that the letter had reached him on
vol. vii. p. 193. It is dated from the 22nd.

Number XCIII.

Cyphered despatch from Benet, Cassali, and Vannes, relating to Wolsey what had reached them about the proceedings of the Legatine Court. Written in Vannes' hand.

REVERENDISSIME in Christo Pater, et Illustrissime Domine, Domine observandissime. Vitell. B.
xi. fol. 209,
al. 207.

Literis quas heri ad Regiam Majestatem et Dominationem Vestram Reverendissimam scripseramus, modos omnes exposuimus quos, ut commodiores, excogitaveramus pro differendâ advocatione; quum ob temporum iniquitatem, Cæsaris expectationem, Cæsarianorum importunitatem, et imprimis, quod asserit Pontifex, ex justitiâ hanc advocationem non posse cuiquam, nedum Cæsarianis, a se denegari, de eâ impediendâ nulla spes sit; et quum videremus, inter cætera, hanc potissimum rationem nostra juvare consilia, ut scilicet sua Sanctitas, quod nos ei multâ industriâ parique labore persuaseramus, putaret tarde istic in causâ procedi ad ostentationem potius ut illo terrore ad aliquod aliud Regina facilius inducatur. Ideoque ne Pontifex de festinatione processûs, quo nihil molestius illi potest nuntiari, admoneretur, exposuimus ipsi tenorem literarum Regiæ Majestatis, generalem illam sententiam de quâ aliis nostris literis copiose scripsimus; ad eundemque finem non reddidimus fasciculum Campegii Feltrensi ad quem et ad Dominum Salviatum non dubitamus quin minutissime de rebus omnibus ille scripserit, eoque animo Pontificem in hac re esse cernimus ut si illa resciverit, difficile possit, nobis utcumque adnitentibus, contineri quin causam extemplo istinc advocet. Sed hæc nostra consilia, et spem de advocatione differendâ conceptam, aliæ istinc literæ præter illas quas Regia Majestas ad nos misit, in summo discrimine constituunt. Primo enim Dominus Feltrensis ait, se nullas ex Angliâ literas accepisse. Hoc idem asserit Dominus Salviatus, facileque nos id credideramus, quum ad eum finem de quo dictum est non reddiderimus Domini Campegii literas, sed post illum nostrum primum fasciculum expeditum Secretarius ducis Ferrariæ

litteras ostendit a Domino Floriano Londini datas die 25 Junii in quibus scribitur, citatum fuisse Regem et Reginam et utrumque comparuisse, Regem habuisse concionem, multas peractas deinde cerimonias; Regina vero, protestatione ac recusatione et appellatione factâ, abiit, ob idque contumax denunciata fuit, et in causâ severissime proceditur per contumaciam contra illam; quæ omnia et plura putamus scripta fuisse ad Pontificem, quum Dominus Florianus ad eum, cujus nequaquam interest, tam aperte scripserit; nec solum damnosum est, quod Pontifex ista resciverit, sed multo damnosius si pervenerint, quod credendum est, ad aures Cæsarianorum; qui ubi primum cognoverint istic procedi contra Reginam in pœnam contumaciæ, urgebunt Pontificem pro advocatione, et minis etiam cogent; adeo quod timemus ne sua Sanctitas de advocatione aliquid agat, quamvis promiserit se velle differre donec a Regiâ Majestate responsum habeat. Secretarius vero ducis Ferrariæ ait, eas Floriani litteras sibi fuisse redditas a Domino Feltrensi, qui negavit nobis se ulla litteras accepisse. In summâ nos putamus, salvo meliore judicio, nihil posse Domino Campegio gratius nunciari quam ut causa istinc ex suis manibus advocaretur, ideoque tam distincte et diligenter de processu veluti ad terrendum Pontificem scribat.

fol. 20r.

Dominus Florianus die 4 Junii ad me Petrum scripsit præsentatam bullam Commissionis legatis, et in fine additur, *interim aliquid novi ista vestra Africa* quæ verba nescio quid aliud significant quam ut hinc expectarent advocationem, vel novam aliquam Commissionem, aut pollicitationem in beneficium Regis, quamvis de novâ commissione aut pollicitatione bene sciat Campegius nihil posse obtineri a Pontifice. Haec volumus scribere ut Regia Majestas omnia cognoscat, quæ nos hic percipimus; sed necessarium est ut secreta omnia habeantur, et ea agantur quæ vestræ Reverendissimæ Dominationi magis visa fuerint, ex commodo Regiæ causæ. * Rogavimus secretarium Ducis Ferrariæ ut eas litteras secretissimas habeat penes se, sed nescimus an Feltrensis idem sit factururus.

Clausula litterarum Domini Floriani ad Petrum.

Pridie Kalendas Junii ad causam hanc demum accessimus, atque cognoscendi onus suscepimus, tametsi ambigimus, num

ex officio ad inquisitionem an ad actoris instantiam civili jure et ordinario procedamus, et plane in foribus videmur hærere. Decreta est tamen in Reges citatio ad decimam octavam Junii. *Interea Africa isthæc vestra aliquid novi.* Et humillime nos iterum atque iterum Reverendissimæ Dominationi Vestræ commendamus.

Romæ die 10 Julii, 1529.

Ejusdem Reverendissimæ et Illustrissimæ Dominationis
humillimi servitores,

W. Benet.

Gregorius Casalius.

humillimus ac perpetuus servus,
Petrus Vannes.

Number XCIV.

Original letter to Wolsey from Benet, Cassali, and Vannes, written July 16th, 1529, and describing the circumstances under which the Advocation had been determined on.

Vitell. B.
xi. fol. 203.

REVERENDISSIME in Christo Pater et Illustrissime Domine, Domine observandissime, humillimam commendationem.

Abunde satis ad Regiam Majestatem scribimus, ad quem tandem statum ejus causa sit redacta; et quamvis infortunium nostrum illud sit, ut non nisi molesta semper nunciemus, eam tamen Regiæ Majestatis divinam prudentiam et bonitatem esse scimus ut fidem nostram boni semper sit consultura².

Nunc vero summatim Vestræ Reverendissimæ Dominationi significamus a nobis nihil esse omissum, ut Pontificem ab advocandâ causâ detineremus; imminetia ac manifesta pericula mille exposuimus, menti Regis objicimus, causæ necessitatem retulimus; scandalum, tumultum, infamiam quæ ex hac advocacy provenerit assidue declaravimus; ecclesiæ ruinam, jacturam et Regni Angliæ et Franciæ, et, ut uno verbo complectamur omnia, diximus quæ a nobis nostrisve amicis possent excogitari. Fatebatur ejus Sanctitas hæc omnia verissima et sibi compertissima esse. Addidimus etiam excidium quod Vestræ Reverendissimæ Dominationi, quæ tantum in ejus Sanctitatis gratiam et sedis Apostolicæ beneficium effecit, ex hac re imminebat; verum tamen nihil hæ rationes et aliæ innumeræ apud ejus Sanctitatem valuerunt. Tandemque, non expectato istinc responso, voluit causam advocare, asserens se nec posse nec velle amplius expectare, nam ex literis Domini Campegii fuerat monitus quod causa istic præcipitabatur præcipitabatur festinanter. Certe nemo plura quam nos facere potuisset, sed frustra conati sumus et frustra conquerimur. Itaque die 14 hujus mensis, volente Pontifice et instantibus Cæsarianis, denunciata fuit ad hunc solum finem signatura. In eâ Pontifex vota referendariorum accepit de concedendâ advocacy. Non

² Here the cypher begins.

tunc signavit, sed ad proximum concistorium se dilaturum dixit; secreto tamen cognovimus heri mane ab eo fuisse signatam; sed id fecit, ne parvo cum suo honore signaret post publicatum novum cum Cæsare fœdus de quo jam literas ab Hispaniâ acceperat, et hic Romæ die Dominico publicabitur; et quamvis Pontifici affirmaverimus suæ Sanctitatis literas ad Campegium tacite advocationem continere et eundem habere effectum, quem publica hæc ostentatio; non tamen illam dimovere potuimus ab advocandâ commissione; asseret atque id non placere Cæsarianis quibus hunc modum non poterat denegare. Nunc instamus ne publice advocatio mittatur nec etiam concedatur Cæsarianis. Hoc etiam ait non placere illis, qui volunt ut hæc advocatio ad Reginæ manus perveniat, tamen ait se forsân velle mittere per aliquem ex suis. Diximus nimis indigne Regem nostrum tractare, et quod Cæsariani ob propriam gloriam plus nocebant Reginæ quam proderant. Hodie si poterimus, rursus alloquemur Pontificem, sed credimus quod dabit Cæsarianis. Visum est nobis hæc significare, ut si non alio modo saltem in ipso portu si fieri queat interceptiatur quam putamus a Reginâ præsentatam iri. Videt Vestra fol. 204. Reverendissima Dominatio quæ sit voluntas Pontificis et bona actio Campegi; hæc omnia semper admonuimus. Videt Vestra Reverendissima Dominatio quid expectandum sit a Pontifice, si forsân istic lata fuerit sententia. Pontifex a nemine alio præterquam a Cæsare pendet; ab illo solo timet et in illo solo confidit.

Hic multi sunt Cæsarei capitanei; quotidie hic transeunt pedites et equites Florentiam versus; in horas expectatur princeps Orangiæ. Hodie post multas querelas ab ejus Sanctitate petemus ne causa hic committatur, sed nil amplius boni a Pontifice expectamus. Cogimur has literas incerto modo et non tuto per proprium tabellarium expedire, quamvis nullus hinc tabellarius mitti queat, Domino Jacobo Salviato non consentiente, a quo timemus. Nollent enim, ut conjicimus, hoc a Regiâ Majestate intelligi priusquam advocatio mittatur³.

Cætera ex Regiæ Majestatis literis Vestra Reverendissima Dominatio uberius intelliget, ejus consilia Deum rogamus, ut divinâ suâ providentiâ dirigat ac disponat.

³ Here the cypher ends.

Dominus Silvester suam operam nobis promptissime impartitur ; verum ab unius voluntate omnia pendent. Et humillime Vestræ Reverendissimæ Dominationi nos commendamus.

Romæ, die 16 Julii, MDXXVIII.

Ejusdem Reverendissimæ Dominationis Vestræ
humillimi servitores,

W. Benet.

Gregorius Casalius.

Petrus Vannes.

Number XCV.

Holograph letter from Gardiner to Vannes, after his return, giving an account of his being placed at Court as Secretary, written from Greenwich, July 28, 1529.

MI Petre salutem plurimam.

De literis tuis habeo gratias maximas. Utcunque res
 cesserint, tua opera gratissima est, et Regiæ Majestati et Re-
 verendissimo Domino. De hoc te jubeo esse securum. Me
 habes ex animo amicum, ad omnem occasionem, in quâ res
 tuas promovere queam. De rebus publicis ex literis Reve-
 rendissimi intelliges. Ego aulæ mancipatus, liber esse non
 possum, sed melioris conditionis libertinus. Secretarii munus
 oboeo quod ad literas pertinet, et sum a libellis. Quid futurum
 sit nescio; nam hodie primum aulam ingredior; fortunæ
 nostræ progressum tu ut spero brevi videbis. Expecto ut
 tecum afferas quod bullarum superest expediendum. Com-
 mendabis me omnibus amicis meis. Et bene vale.

Vitell. B.
 xi. fol. 208,
 al. 217.

Ex Grenewico, die 28 Julii.

Totus tuus,

Stephanus Gardinerus.

Number XCVI.

Holograph letter from Gardiner to Wolsey, probably written August 23, 1529, stating the king's desire to keep the breve of advocation from falling into the queen's hands.

Vitell. B.
xii. fol. 169,
al. 163.

PLEASETH it your grace to understand that ha[ving no oppor]tunity yesternight to shew such letters, as master [Boner] left with me, unto the king's highness, this mor[n]ing I shewed] the same unto his grace, with the whole circumstances [as they] came unto your grace's hands, and also what is y[our grace's] opinion in depeching of the curror without altera[tion of the] letters devised, and that your grace well perceiveth the [making] of the league between the pope and the emperor to have [been the] cause of granting forth the advocation, and that [there is] likely a special article to capitulate concerning [the] cause with a general capitulation *pro defensione* [*pacis*] et *matrimonii*. All which your grace's opinions his highness alloweth, and desireth your grace that the post d[epart] without any innovation. It may please the sa[me also to] speak with my lord Campegius concerning the [altering] of the advocation according to his promise, a[dvising], as now it appeareth to be granted and sent, [that] he will use all ways and means possible [to get] it into his hands or it come to the queen's [if] it be possible; for his highness feareth lest she [will not] facilly agree to the alteration, but use it as it m[ay be] most to her benefit. Wherefore in case it cannot [be] but that it shall first come unto the queen's h[ands, the] king's highness desireth your grace to instruct [my lord] Campegius what words he shall use to the q[ueen], moving and persuading her to be content to procure [that no] such thing be comprised in the said advocation [as may] irritate the king's highness and his nobles, and [that to irritate] a king in his own realm may not be [borne, with] such other reasons and persuasions as your grace [in your] high wisdom can add unto the same. This [matter] his highness hath greatly to heart;

and whiles I wrote this letter sent for me twice to speak with me there, and at the last time asked me for the cardinal Campegius' pollicitation, which I sent yesterday unto your grace. Whereunto his highness would add in the first part, where he saith *quod nunquam aut aperiet secreta causæ* in the future tense, a verb of the præter tense *quod hactenus non dixit nec aperuit*; for his highness said that the said Campegius having already advertised the pope *de præterito* may keep his promise, and yet the king's highness' purpose frustrate. I said to that, *quod facta pactis non mutantur*, and if he had already shewed it to the pope, there is no remedy by promise; but I thought verily he had not, and that I have heard him so say and sworn. Nevertheless I said your grace might facily eftsones, for his highness' satisfaction, know that of the said cardinal Campegius, and be assured of the truth by his oath, *quod hactenus non significavit Pontifici quid illi de causâ videatur*, for in the pollicitation it could not be inserted conveniently. Whereunto his highness agreed, and desired your grace to remember this in your conference with the said cardinal Campegius.

Moreover his highness willed me to signify unto your grace, that he hath sent for the ambassador of Fraunce to be with his grace here at afternoon, intending to shew unto him, these news of the league between the pope and the emperor, and of the emperor's descent into Italy; desiring your grace to speak semblably with the ambassadors of Venyse and Ferrare, and to shew unto them how this league is made *in capita ipsorum*, and that it shall be therefore necessary that they [object] unto it earnestly in time.

I would gladly have come unto your grace, b[ut I can], ne dare depart hence. Thus I pray Almighty [God] preserve your good grace.

At Grenewich this Mo[nday.]

Your grace's most humble

servant and daily bedeman,

Steven Gardyner.

Number XCVII.

The pope's letter to the king, explaining that the censures in the breve of advocacy were contrary to his intention.

Record
Office.

CHARISSIME in Christo fili noster, salutem, &c.

Dudum vertente causâ inter serenitatem tuam et carissimam in Christo filiam nostram, Catharinam Angliæ Reginam illustrissimam, de et super fœdere matrimonii; nos, instantibus apud nos oratoribus tuis, causam ipsam, dilectis filiis Thomæ Sanctæ Cæciliæ, et Laurentio Sanctæ Mariæ in transtiberim titulorum presbyteris cardinalibus, nostris et Apostolicæ sedis legatis de latere, commisimus, in quâ ad nonnullos forsân actus processum est. Postmodum, carissimo in Christo filio nostro Carolo Hispaniarum Rege Catholico in imperatorem electo, et Reginâ ipsâ ad nos reclamantibus, et aliis etiam legitimis causis animum nostrum moventibus, causam ipsam ad nos advocavimus, et eam audiendam, ac nobis et sacro venerabilium fratrum nostrorum Sanctæ Romanæ ecclesiæ cardinalium collegio referendam atque decidendam commisimus; in quâ ad inhibitionem fortasse processum est. Cum autem nuper acceperimus inhibitionem ipsam sub censuris et pœnis fuisse factam; nos, quorum intentionis nunquam fuit, neque est, personam tuam de nobis et⁴ de Apostolicâ sede semper optime meritam aliquibus censuris et pœnis quomodolibet innodari; celsitudini tuæ significamus, censuras ipsas præter mentem et intentionem nostram a iudice sive commissario emanasse; et propterea censuras et pœnas prædictas, quoad personam tuam, nullas nulliusque roboris vel momenti fuisse et esse decernentes. Causam vero ipsam usque ad festum nativitatis Domini nostri Jesu Christi proxime futurum jam suspendimus, prout per præsentem suspensam esse volumus. Fecimusque in illâ, quantum pro nostrâ in te charitate, cum Deo facere licuit, ut, quam⁵ pro stimulo conscientiae causam te movisse cognoscimus, illam, quæ tanti est, eâdem quoque ratione altius cogitando, posthabitis molestiis atque odiis quæ nascuntur ex litibus, cum

⁴ ac, Herbert.

⁵ quum, Herbert.

animi tui pace componere possis. In quo nos adjutores semper habiturus es, Majestatem tuam hortantes in Domino ut interim Reginam ipsam, pro ipsius conscientiae tuae securitate, maritali affectione tractare non desinas, quemadmodum celsitudinem tuam pro virtute suâ facturam confidimus.

Dat. Romæ, die 29 Augusti, 1529. Anno sexto⁶.

⁶ This document was printed by Herbert, in his History, p. 255. He says that he transcribed it from the original. The present editor cannot find the original, but has collated it with a contemporary copy in the Record Office. The only differences, with the exception of several insertions of the letter (h) according to the fashion of the time, were the two words noticed in the notes. The breve itself, couched in the same words as far as *suspensam esse volumus*, omitting only the re-

ferences to private matters, is printed in Rymer xiv. p. 347. Theiner has printed the letter from the Vatican copy, which agrees exactly with the text, excepting that it has *decernimus* for *decernentes*. The other variations in Theiner are mere mistakes of copying or printing. A letter of the same purport and in the same words *mutatis mutandis* was addressed by Clement to the cardinals, and appears in Theiner, p. 565. It is unfortunately full of errors of printing.

Number XCVIII.

*Original letter from Wolsey to Gardiner, written about
December, 1529.*

Addit.
MSS. 25,
114.

MR. STEVYNS,

After my most hearty commendations it may like you to understand that ensuing the king's gracious pleasure signified unto me by your letters, I send unto his highness Mr. Doctor Minehul, with my seal, and have given unto him full power by mouth, being contented if it shall be thought so needful that the same be committed to writing and made in effectual manner there, as well to admit the resignations of such benefices as be under my jurisdiction of Yorke, as also to make out the collations of such of them as be of my patronage, the same to be done either at Yorke-place or Barynsey, as shall stand with the king's highness pleasure; trusting in Gode, and the rather by your friendly and charitable mediation, that sythyns in this and all other things, I have and do most obediently submit and conform myself to his grace's pleasure, it will now please his majesty to shew his pity, compassion, and bounteous goodness towards me without suffering me any longer to lie languishing and consuming away, through this mine extreme sorrow and heaviness. And surely, Mr. Stevyns, if his highness knew and were informed in what state I am in, and how I am intreatyd on every side, it is not to be doubted, his heart being so noble as it is, and calling to remembrance mine age and long-continued services, but that his grace will have pity on me, and shortly extend his charitable goodness, which that his highness may shortly do I most effectually beseech you to lay to your loving, friendly, and suffering friend. And in such wise to set forth and further as well this mine and other lamentable presents (?) as the late poor deane of Wellys that I may have and perceive some comfort effectually to arise and follow of the same to the mitigation

of my continual sorrow. And I shall daily pray for the increase of your honor.

Written at Asher this Tuesday⁷, with the rude hand of your daily bedesman.

T. Car^{lis} EBOR.

To the right honourable Mr. Doctor Stevyns.

⁷ The editor has been unable to fix the date of this letter. Several of Wolsey's letters of about the same date, written from Asher to Crumwell, have been printed in *State Papers*, vol. i. pp. 349-371, but they are much mutilated, and not one of them has any date. Ellis has printed three of his letters to Gardiner of the same period, but, unlike

the present letter, they are not addressed or directed to Gardiner by his name of Mr. Stevyns, but by that of Master Secretary. This letter has been printed here, as being the only letter of the cardinal's in the valuable volume from which Tierney made so many extracts in his edition of *Dodd's Church History*, and which is now in the British Museum.

Number XCIX.

Croke's account of his journey and the expenses attendant on it, from October 1529, to about the middle of May 1530.

Vitell.
B. xiii.
fol. 2.

Item for passage:—

At Cales ⁸ for horse and yet not post horse
At Bulleyne
At Moterell
At Verroyne
At Abfelde
At Flistource
At Amyas
At Flers
At Brettans
At Saint Juste
At Cleremonte
At Saint Clan
At Luzars
At Zarzelle
At Paris
At Essone
At Corbeyle
At Milly
At Saint Maturyne
At Pont Agasson
At Monte Argis
At Chatellon

For Monsieur de Albanye and Chandoyse had

⁸ As many of these words may not be recognisable, the following list is given in modern spelling:— Calais, Boulogne, Montreuil, Veron, Abbeville, Flixecourt, Amiens, Flers, Breteuil, St. Just, Clermont, St. Clan, Luzarches, Zarzelle, Paris, Essonne, Corbeil, Milly, St. Maturin, Pont Agasson, Montargis, Chatillon, Oseany, Neuvy, Cosne, Pou-

illy, La Charité, Jermin sur Yone, Nevers, St. Pierre le Moutier, Ville Neuve sur Allier, Moulins, Bessey, Varenne, La Palisse, La Pacandiere, Roanne, St. Symphorien, Tarare, La Braly, Lyons. The items of expenditure for nearly the whole journey to Lyons are lost by the edges having been burned.

taken up all the horse so [that] we could have had no horse in three days, only we had them has[tilly].

At Oseany	...	...	...	...	...	...	...
At Nefwyll	...	...	...	...	...	...	...
At Cone	...	...	...	...	...	...	...
At Poullye	...	...	...	...	...	...	...
At La Chareto	...	...	...	...	...	...	...
At Jermynes sur la Loyre	...	...	...	...	...	...	...
At Nevers	...	...	...	...	...	...	...
At Saint Pierre le Moustier	...	...	...	...	...	...	...
At Ville Noue	...	...	...	...	...	...	...
At Mollyne	...	...	...	...	...	...	...
At Besse	...	...	...	...	...	...	...
At Vareyns	...	...	...	...	...	...	...
At La Palise	...	...	...	...	...	...	...

The son by reason of the bishop of Saint Andrews had tak[en] up the post horse on ways toward the court of France, and . . . Albertus de Gathon had up the horse the other ways for to [go to] the marqueys of Saluce, to discharge him of his fea[lt]y and] homage toward the French king, and also to make . . . of the county of Aste to the emperor.

[At] Pancadire	...	...	...	...	...	...	45 sous.
[At Ro]wana	...	...	...	...	...	...	45 sous.
[At S]aint Sepherne	...	...	...	...	...	...	46 sous.
[At] Terrere	...	...	...	...	...	...	45 sous.
[At] Braelle	...	...	...	...	...	...	45 sous.
At Lyons	...	...	...	...	...	...

Summa £14 17s. 10d.

From Lyons to Rome there be as I must go eighty-five posts, of the which there is twenty that I must pay for four horse at every post, 3 franks and 4 sous; summa 60 franks and 80 sous, the which sterling, £7 11s. 3d.

	£	s.	d.
[Ite]m for the other sixty-and-five posts I must pay for four horse [at] every post, for every horse a frank, and for the guide 'at [e]very post 4 sous, the which is on the whole 13 score and [x]iii franks, that is sterling ⁹	30	6	8
[It]em the loss in my hundred ducats	8	6	8
Item to the corriar	30		
the two, which is sterling	6	16	8
Item for my safe conduct	x		
is sterling			13

These be parcelle paid at the post for horse and
guides, from Lions to Bononye.

At Lyons, 80 sous for horse, and the guide 4 sous	84 sous.
At Mouloye	64 sous.
At Guadant	64 sous.
The ferye	6 sous.
At Seriera	64 sous.
At Pont Champagne	64 sous.
At Saint Jenyn	64 sous.
The ferye over the Rhone	8 sous.
At Lupyne	64 sous.
[At] Camerinum and Cambrye	64 sous.
[At] Momiliana	64 sous.
We had horse that would not go, and tarried half- a-day could have the	
... ..	64 sous.
... ..	64 sous.

fol. 3.

At Camera in Chambre	
At Saint Zenyns	LX[III sous.]
At Ponte Sept	LX[III sous.]
At Saint Andrewys	LXII[II sous.]
At Auzetium	LXIII [sous.]

Item here for sladds to slide down the hills over
froze with ice

⁹ The computation is at 9 francs to the pound sterling.

At Laneburg	64 [sous.]
At Taverna	64 [sous.]
At Novalesia	64 [sous.]
At Saint George	64 [sous.]
At Saint Ambrose	64 [sous.]
At Rivoli	64 [sous.]
At Thaurine	64 [sous.]
At Montcalyer	84 [sous.]
At Lumbriasto	84 [sous.]
The ferye	6 [sous.]
At Serviliana	84 [sous.]
The ferye	6 [sous.]
At Trunte	84 [sous.]
The ferye	5 [sous.]
At Molusanum	84 [sous.]
At Zeresa	84 [sous.]
At Calculi	84 [sous.]

At Saona, here we should have paid for every horse a crown, but destitute of horse we were fain to hire a bark for 4 crowns, bargaining with the patron he should go by shore, whatsoever weather happened, set us up at Jene; but he brought us but nine mile, nor would no further till the weather changed that rose upon us; and so we were fain to go the next post a-foot, and carry our gear in our necks and lese.

At Varrazye we were again destitute of horse one day, and at this post and from this to Parma we were compelled to pay a crown for every horse

... ..	4 scuta 4 sous.
[I br]oke my arm with a fall off my mare na we were destitute of horse two days by [reason] of the Count de Flisco which rode in post to oro from Jenys with eighteen horse	4 scuta 4 sous.
... .. oliasto	4 scuta 4 sous.

. . . . rheco	... ..	4 scuta	4 sous.
. . . . apalle	... ..	4 scuta	4 sous.
. . . . estria	... ..	4 scuta	4 sous.

[Betw]ene this and Vareys we rode the most part [of t]he night upon the mountain, and by force of [weat]her and rising of the waters were fain to upon the top of the mountain an old chapel full of water, continuing therein three hours than passed over the river into a poor man's finding it full of lands-knights, and there s at ease therefore than upon the mountains.

[At] Vareys	... ..	4 scuta	4 sous.
. . . . nde over the rivers	... ..	5 scuta	4 sous.
. . . . burg	... ..	4 scuta	4 sous.
. . . . abredce	... ..	4 scuta	4 sous.
. . . . Tarens	... ..	4 scuta	4 sous.
. . . . furnona	... ..	4 scuta	4 sous.
. . . . arnia	... ..		84 sous.
. . . . a we were destitute of horse one day.			
. . . . mazana	... ..		84 sous.
[At] Rhegium	... ..		84 sous.
we were destitute of horse half-a-day.			
[At] Modona	... ..		84 sous.
we were destitute of horse half-a-day.			
[At C]astel Franco	... ..		84 sous.
we were destitute of horse' from eight of the clock morning unto one of the clock after midnight.			
. . . . ola	... ..		84 sous.
. . . . to the courier	... ..	30 scuta	

fol. 4.

From Bonony to
 Corticella
 Bentivola
 Malehelberga pro tribus
 Turri de la fossa
 Ferrara pro curru

Francolina	...	...	...	...	...	...	iii
Caninovo pro lecto quadraginta octo	...						
Capos	...	...	...	...	...	...
Corbula	...	...	...	...	...	...
Loredi	...	...	...	...	...	...
Turnovæ	...	...	...	...	...	...
Chiodi	...	...	...	...	...	...
Malemogcha	...	...	...	...	...	...
Venetia	...	...	...	...	...	...
Padua	...	...	...	...	...	...

Venecia.—Die x Januarii.

To the keeper of Saint Jhon's and Paul's library	...	...	...	...	...	...
At Padua, to the keepers of Saint Justine's and Saint Tho's libr[ary]	...	...	...	...	...	...
Item, to the keepers of Saint Fransces library in Venecia	...	...	...	...	...	2
Item, to two Jues for coming home to you daily and writing for	...	...	...	...	...	...
Item, for Greek books, whereof the parcells hereafter followed	...	...	...	...	...	...
Item, to the doctor of the Servites	...	...	...	...	...	2
Item, to the freyers observants	...	...	...	...	...	2
Item, fratri Servitæ quando subscripsit die 8 Februarii	...	...	...	...	...	...
Judæo quando subscripsit	...	...	...	...	...	...
Item, eo qui portavit literas ex bononiâ die 4 Februarii	...	...	...	...	...	...
Pro barchâ ad Judæos	...	...	...	...	...	6
Item, pro libro tomi secundi	...	...	...	...	...	...
Item, scriptoribus tribus	...	...	...	...	...	...
Item, carta pro nobis	...	...	...	...	...	...

Die 13 Februarii.

[To Ba]rtholomeus, for writing off the Epistle in Greek demi-scutum.
[To t]he book binder for fader Francis' book,
1 scutum et 3 marcellos.

Die 16 Februarii.

[T]o the doctor Philippus de Cremis	...	x scuta.
[S]acerdoti Græco pro scripturâ epistolæ		1 scutum.
[Item] Priori Sancti Joannis et Pauli ad scri-		
bendum pro causâ et ad conducendum		
alios	xv scuta.

Die 18 Februarii.

Bartholomeo pro scriptione Canonum	...	1 scutum.
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Die 20 Februarii.

Item, Bartholomeo pro scriptione epistolæ		
Basilii	demi-scutum.
Item, conventu sancti Joannis et Pauli	...	4 scuta.
Item, Demetrio pro scriptione commentari-		
orum Græcorum super biblia,	...	1 scutum, 4 marcellos.
Item, Bartholomeo pro scriptione concili-		
orum Græcorum	... ..	2 scuta.
Item, Bibliothæcario sancti Joannis et Pauli,		
fratri Bernabo	... ..	3 scuta.
Item, pro duobus libris concordantia, et		
aliis Judei	... ..	2 scuta 4°.
Item, Heliæ Judeo pro tribus copiis suæ		
scripturæ et labore suo	... ..	4 scuta.
Item, nuncio qui ivit Bononiam ad epi-		
scopum Wigorniensem 2 die Marcii	...	v scuta.
Item, pro portiturâ literarum a Bononiâ		
2 die Marcii	... ..	1 marcellum argenteum.
Item, Constantino scriptori Græco 3 die		
Marcii pro scriptione commentariorum in		
vetus testamentum Græcum	... ..	3 scuta.
Item, Bartholomeo scriptore Græco	...	demi-scutum.
Item, Constantino Græco scriptore, 12 die		
Marcii	... ..	3 scuta.
Item, Demetrio Græco Scriptore pro chartâ		1 marcellum.

Item, notariis pro instrumento et collatione super Canones Græcos, die 2 Marcii ...	2 scuta.
Item, Demetrio Græco pro scriptione ora- tione Clementis ...	1 scutum et unum marcellum.
Item, Marco Rhaphaelo Hebreo ...	5 ducats.
Item, Demetrio Græco ...	1 scutum 2 ^o .
Item, delivered to Jhon Maria for the doc- tors of Myllayn, and his costs ...	30 scuta 2 ^o .
Item, pro portaturâ litterarum a Mediolano	4 marcellos argenteos.
Item, Demetrio scriptore Græco ...	2 scuta.
Item, pro libris Græcis ...	7 scuta.
Item, Bartholomæo pro collatione orationum Clementis ...	6 marcellos argenteos.

Die 7^{mo} Aprilis sero.

. . . eundo a Veneciis et redeundo a Paduâ ...	2 scuta.
. . . Joanni Marino ministro ordinis mi- norum pro causâ Regiâ, die 12 Aprilis...	20 scuta.
. . . Nicolao Leonico ...	5 scuta 1 plus d.
. . . librum Crucini ...	1 scutum.
. . . um ...	2 scuta.
.	um 2 ^o .

Dominus Rrichardus Crocus ex mandato Domini Episcopi
Wigorniensis pro Francisco Georgio scutos quinquaginta. fol. 5.

Item, fratri Thomaso priori Sancti Johannis et Pauli scutos
quindecim, inter conventum quattuor scuta.

Item, Domino Philippo de Cremis Juris utriusque Doctori
scutos decem.

In totum scutos 79 et scuta fratris Francisci et fratris Thomæ
dabant[ur] ipsis ut conducerent alios.

Ita est Petrus de Ghinuciis.

Item, pro nave a Veneciis ad Paduam.

Item, pro equis tribus a Paduâ ad Vicentiam.

Item, pro tribus equis a Vicentiâ ad Veronam.

Item, pro tribus equis a Veronâ ad Vicentiam.

Item, pro tribus equis a Vicentiâ ad Paduam.

Item, pro nave a Paduâ ad Venecias.

Die xx^{mo} Aprilis.

Item, fratri Simoni Ardeo ordinis minoritarum causâ Regiâ.

Item, Bartholomeo pro eundo ad patrem

Franciscum 2

Item, Demetrio pro scriptione Canonum ... demi.

Item, Antonio pro eundo ad Paduam ... 1

Item, a Veneciis usque ad Mergena pro nave die 3 Maii 2

Item, a Mergenâ usque ad Treviso pro curru

Item, pro tribus equis a Treviso usque ad Asola 1

Item, pro tribus equis ab Asolâ usque ad Vincentiam 1

Item, pro tribus equis a Vicentiâ usque ad Padua ix

Item, pro nave a Paduâ usque ad Venecias 1

Item, fratri Simoni Arduo Magistri Theologiæ, die 8 Maii pro causâ Regis

Item, Philippo pro expensis eundo ad Redigo ad patrem F. Marinum

Item, Philippo eundo ad Oratorem ad Vicentiam pro litteris Domini Stoxleii

Item, pro nave a Veneciis usque ad Paduam 12 Maii

Item, pro tribus equis a Paduâ usque ad Vincentiam ad patrem Franciscum Giorgio]

Item, pro tribus equis a Vicentiâ usque ad Assolo

Item, pro tribus equis a Assolo usque ad Paduam

Item, pro nave a Paduâ usque ad Venecias

Item, Philippo pro eundo a Veneciis usque

Item,

Eundo versus Bononiam a Veneciâ, die 10 Maii, 1530.

[Item, a] Veneciâ usque ad Paduam	...	1 scutum.
[Item, a] Paduâ usque Revigo pro quatuor equis	... ..	2 scuta.
[Item] a Revigo usque Ferrare quatuor equis	... ..	2 scuta.
[Item] a Ferrare usque Turre de la Fossa pro nave	... ..	1 scutum.
[Item] a Turre de la Fossa usque Curticella pro nave	... ..	4 scuta.
. . . . Godefrede		
. . . . Malelberga		
. . . . Bentivolio		
. . . . Curticella usque Bononiam pro equis		medium scutum.

Redeundo.

A Bononiâ usque Ferrariam pro quatuor equis	... ..	4 scuta.
A Ferrariâ usque Rovigo quatuor equis	...	2 scuta.
A Rovigo usque Paduam quatuor equis	...	2 scuta.
[A] Padua usque Venecias pro navè	...	1 scutum.
Item, Magistro postarum	... ..	1 scutum.
Item, Joanni Mariæ eundo ad episcopum Londoniensem, Bononiam	... ..	3 scuta.
Item, nuncio qui ivit Udine	... ..	3 scuta.
Item, Antonio qui ivit Bononiam	... ..	5 scuta.
Item, priori Thomæ Omnibono	... ..	10 scuta.
Item, Leonico pro Simoneto	... ..	10 scuta.
Item, pro Doctoribus Paduæ atque notariis et scriptoribus	... ..	9 ϕ ¹⁰

¹⁰ This mark the editor cannot explain

Number C.

*Imperfect copy of Croke's expenses, from May 27 to July 7,
1530, in his own hand.*

Record
Office.

ITEM, priori Thomæ Omnibono, priori Sancti Joannis et Pauli	10 scuta.
Item, Leonico pro Simoneto et scriptoribus	9 scuta.
Item, Magistro postarum	unum scutum.
Item, nuncio Joanni Mariæ qui ivit Bononiam ad Episcopum Londoniensem ...	3 scuta.
Item, nuncio qui ivit Utinam	3 scuta.
Item, Antonio qui ivit Bononiam ad Episcopum Londoniensem	5 scuta.

Redeundo versus Venecias a Bononiâ.

A Bononiâ usque Ferrariam pro quatuor equis	4 scuta.
Ferraria usque Rovigum pro quatuor equis	2 scuta.
Rovigo usque Paduam pro quatuor equis	2 scuta.
Padua usque Venecias pro nave,	1 scutum, 4 marcellos argenteos.

Eundo ad Episcopum Veronensem.

A Veneciâ usque Paduam pro nave	1 scutum, 8 marcellos argenteos.
Paduâ usque Vincentiam pro tribus equis	1 scutum.
Vincentiâ usque Veronam pro tri- bus equis	1 scutum.
Veronâ usque Venetiam pro tribus equis	1 scutum.
Vincentiâ usque Paduam pro tribus equis	1 scutum.
Paduâ usque Venetias pro nave	1 scutum, 4 marcellos argenteos.

A Veneciâ usque Paduam pro nave
 1 scutum 4 marcellos argenteos.
 Paduâ usque Venecias pro nave
 1 scutum 4 marcellos argenteos.
 A Veneciâ usquam Paduam pro
 nave 1 scutum 4 marcellos argenteos.
 Padua usque Venecias pro nave
 1 scutum 4 marcellos argenteos.
 A Venecia usque Paduam pro nave
 1 scutum 4 marcellos argenteos.
 Padua usque Venecias pro nave
 1 scutum 4 marcellos argenteos.
 A Veneciâ usque Paduam pro nave
 1 scutum 4 marcellos argenteos.
 Padua usque Venecias pro nave
 1 scutum 4 marcellos argenteos.

Endorsed :—

A bill of expenses laid out by me since the 27 of May unto this 7 of July¹¹.

¹¹ By a comparison of these two documents it will be seen that though the latter is a continuation of the former, they are not parts of the same paper, but that they belong to two different accounts kept by Croke, which do not exactly agree in their arrangement, though with two exceptions they agree in their particular items.

Number CI.

Letters written in March and April, 1530, to the University of Oxford, on the question of marriage with a brother's widow.

To our trusty and well-beloved subjects, the commissary of our University of Oxenforde, the rulers of the colleges there, and all regents and non-regents of the same.

By the King.

Ex MS. D.
Kennet,
MS. Bodl.
fol. 105.
Epist. 196.

TRUSTY and well-beloved, we greet you well. And for certain considerations us moving, we have sent unto you our truly and well-beloved counsellor Doctor Bell, to advertise you of diverse and sundry things on our behalf; Wherefore we will and desire you that in all such matters as he shall open unto you of our mind, ye give unto him full credence, as our trust is in you.

Given under our signet at our castle of Wyndesore, the sixth day of March the one and twentieth year of our reign.

To my well-beloved brethren in Christe, my commissary of the University of Oxforde, and to the masters, regents, and non-regents of the same.

Epist. 197.

I COMMEND me to you. And where I understand that the king's most noble grace of late hath sent thither to you, his honourable counsellors my lord of Lincolne and master Doctor Bell, to have your advice and determination of a certain question, the specialties whereof I doubt not have been at large purposed and declared to you; wherein I have also sundry times heretofore written to you; wherefore as hitherto I have had no answer, to my great marvel, considering that the king's most noble grace hath been always very singular and gracious good lord to that university, and requireth nothing of you but that may be for the resolution of the said question, according to your learning; I will, advise, exhort, and require you, as much as in me lieth, and as ye intend the continual

preservation of the common weal of that university in time to come and look to have any good that I can do for the same, to endeavour yourselves to shew and declare your resolute minds in that behalf with all speedy and diligent expedition as may be to the pleasure of God and according to His laws, and also to the accomplishment of the king's grace's desire and pleasure in the same. And because that, as I am informed, the universities of Parise and Cantabridge have already declared their resolute minds in this matter, it is to be greatly marvelled why ye should make any difficulty or sticking to do in like wise for your part, seeing that there is nothing required of you but to do according to your learning, not following any sensuality. And forasmuch as by such a great multitude as ye be there, mighty matters cannot shortly be determined; for commonly the greater part in a multitude be not like wise nor like learned, therefore ye shall do well to appoint the number of thirty persons amongst you of the wisest and best learned, giving to them authority to determine this matter, as they shall think to be according to God's law, as by my time when I was in the assembly house there, in times past, I have seen it likewise used in divers causes. I would have written to you in Latin, as I have been accustomed in times past; howbeit because that nothing should be otherwise interpreted than I mean, therefore for this time I writ to you in English, for Latin words oftentimes may be otherwise interpreted than English words. As touching you which be my officers in that university, I trust and so straitly charge you to see all things quietly ordered, and in case any business or commotion be made, to see the same to be repressed and pacified as wisely as ye can, and to punish the doers therefore accordingly, which if ye refuse to do, more inconvenience may follow thereby than ye for default of experience can consider, whereof I would be right sorry.

At Knowle the 15th day of March,

Willm. Cantuar.

To my well-beloved in Christ, my commissary of the University of Oxforde, and to the doctors and bachelors of divinity in the same.

Epist. 197.
(2da.)

RIGHT well-beloved in God, we greet you well.

And forasmuch as by sundry reports and relations of divers credible persons it hath been shewed unto us that for answer to be made to the king's highness in resolution of the question proponed by his great counsellors there, nothing hitherto is done, ne yet any way, mean, or order taken for doing of the same, and the only empechmente, let, and impediment thereof is objected by the multitude of regents and non-regents in art, who not regarding this matter and cause as appertaineth, not shewing their due observance to their prince and sovereign lord, but neglecting his highness in so just request, and utterly contemning and despising such our letters, intercessions, and requests as we have at sundry times sent unto you and them in that behalf, do daily shew more and more their folly, obstinacy, and wilfulness, qualities far unmeet and inconvenient to be in those who should as members in that body in any point order or rule the same; with which, their demeanour, we being head of their body be and of reason ought to be highly displeased and miscontented, as we shall not fail, intending, unless due and speedy reformation thereof be made by you mine officers and others, by your authority, but also by aid and assistance of the king's highness, to study to correct the same, and in the mean time devising and debating how we neglecting the unreasonable and unseeming demeanour of the Regents and Non-Regents, presuming to put laws and conditions to you that be heads and rulers, done only upon a malicious ground and purpose to let and delay answer to be made to our prince and sovereign lord, which might be just occasion of such displeasure against that body do as might redound to the destruction and ruin of the same, might provide a remedy for the satisfaction of the king's highness our sovereign lord, have finally resolved ourselves to such

way and manner as followeth, which is this; that considering the multitude of the Regents and Non-Regents by their manifest and notorious sedition, without such respect and regard had to the heads of that University as they ought to have, declare themselves unworthy and unmete to concur in this act of making answer to the king's highness, as members of that body, reserving such correction as they deserve therefore to time convenient for acceleration of the doing our duties to our prince and sovereign lord, and the mitigation of his displeasure and indignation towards that body; we, as head and chancellor of that University, pondering that in such a case as this is it is more to be considered what is for the preservation and maintenance of the whole body than what any particular statute doth prescribe and say, the scrupulous observation whereof should redound to the destruction of the same body, contrary to the mind, effect, and intent it was made for, and specially that statute which the said multitude taketh for their defence, which hath not indeed such sense in it so to be taken as they pretend; will and require you, and nevertheless as having the whole administration and governance of that body, in virtue of obedience command you that ye doctors and bachelors of divinity now resident or being within that university do amongst yourselves, avoiding all such frivolous delays and exceptions as hath heretofore been used, agree, determine, what number of you shall in the name of the whole university and at least the whole of divinity, make answer to the king's highness on the question proponed on his grace's behalf, whereby we may the better attain again and purchase the favour of our sovereign lord whose indignation undoubtedly we as head and chancellor and ye as members of the whole body, by this our negligence have most worthily deserved; giving like commandment to you that shall be so named, with all diligence to apply yourselves to the resolution and determination of the said question, in such wise as by your diligence to be now shewed we may redubbe and repair the delays heretofore by the folly and wilfulness of the multitude overpassed; desiring and advising you also that for more speedy acceleration herein to be used, and to avoid all other delays, ye take and repute that to be and stand for

the perfect determination whereupon the most part of the said number shall condescend and agree; and furthermore command you our commissary and the proctors of that university incontinently upon the resolution so made to send the same sealed with the university seal unto the king's highness accordingly. And whereas we be also informed that Master Kington hath very slanderously reported that our trusty servant Mr. Bedell should have falsified and counterfeited our letters and seal, to our dishonour and no little appairinge of the approved fidelity and virtue of the said Mr. Bedell, we let you wit, that his said report is utterly untrue, and proceeded of only malice, desiring you that he and such other malicious and slanderous persons may be punished according to the order of the law, like as our trusty and well-beloved Chancellor bearer hereof shall further and more at length declare unto you our mind and pleasure, as well in that part as in all other order, to be used in your said resolution, to whom we pray you give credence in all things, not omitting thus to do as ye will declare and shew you according to your duties and obedience towards us in accomplishing such things as for the wealth of the university we shall command you to do.

At Canterbury the 28th of March.

Willm. Cantuar.

Chancellor of the University of Oxford.

To our trusty and well-beloved the commissary, doctors, bachelors of divinity, and other regents and non-regents of our University of Oxforde.

By the King.

Epist. 198. TRUSTY and well-beloved, we greet you well. And whereas the commissary and proctors of that our university have presented unto us on your behalf your determination and answer to such a question as by the reverend father in God, our right trusty and well-beloved counsellor, the bishop of

Lincoln and other our counsellors, was proponed unto you concerning us. Albeit in the conducing and perfecting thereof there hath been by the perverse and untoward behaviour of some, diverse contrarieties chanced, and thereby great delays ensued to our no little displeasure and discontentment, yet distincting and dividing the effect of the good minds of the more part from the malice and perversity of the rest, intending evermore as near as we can so to have in fol. 207. consideration the acts and doings of our subjects as the offence of one towards us shall not impair and diminish the good doings of another, but order every man after their merits and deserts, signify unto you by these presents that we accept, repute, and take your labours and pains sustained in the accomplishing of our desire in the premisses in most agreeable and thankful part, and give unto you our most hearty thanks for the same, assuring you that like as ye have in the conclusion and end shewed yourselves like kind and loving subjects towards us your prince and sovereign lord, so we shall your necessities, wherein ye shall have refuge unto us, declare our benevolence and good mind towards you to the weal and benefit of that our university, willing you always to have special respect and regard to the correction and reformation of such as by their sedition have and do intend to hinder and detract the good doing of the rest, and that every man in his degree use himself in his words, fashion, and behaviour as to due obedience and good order doth appertain, so as by neglecting thereof such confusion do not from henceforth continue as hath been seen there of late in and about the decision of our said question and since, to the great slander and dishonour to the whole body of that our university, the remedy whereof is only condign and indelayed punishment of such as have and shall fortune to offend in that behalf; like as we doubt not ye can of your wisdoms consider, and upon this our advertisement will not fail to follow and accomplish accordingly; advertising you furthermore that in your so doing we shall not only with our power and authority from time to time aid and assist you that be the heads and rulers for repression of such malefactors whom ye shall shew unto us for the same, but that also we have given special com-

mandment to our right trusty and right entirely well-beloved cousin and counsellor the duke of Suthfolke, being in those parts, to be always ready to maintain, aid, and assist the commissary and other officers in doing and executing the premisses as to their duties doth appertain, like as the said commissary and proctors can further shew unto you on our behalf, unto whom our pleasure is ye give firm credence.

Given under our signet at our castle of Windesore the 13th day of April.

Number CII.

Account of the proceedings at Oxford, written to the king by the bishop of Lincoln, Foxe and Bell. An original, in Foxe's hand, April 5, 1530.

PLEASETH it your highness to be advertised that sithen the receipt of your grace's letters to us directed, containing your grace's mind and pleasure, for the ordering in our doings here; forasmuch as continually endeavouring ourselves according to our most bounden duties for the attaining of your highness' purpose, we were in doubt always without knowledge of any certainty what should ensue, we thought most convenient therefore to defer the sending of any letters unto your highness, until such time as we might have some certain matter to signify unto your grace; which after long tarryance and much difficulty we have attained this day, that is to say, the consent of all the whole university that the decision of the said doctors and bachelors which be chosen to decide your cause, should be reputed and taken as the definition and determination of the whole university. Record Office.

For the attaining whereof, it may like your highness to understand that after the election being perfected according to the instrument which I, Master Foxe, this day sent unto Mr. Secretary, and the public disputations also had and kept solemnly in the divinity schools, which we considered to be a very honourable cause of differring of the act, and most convenient way to entertain the multitude, until such time as we might obtain their said consent; yesterday, we, Master Bell and Master Foxe, taking with us Doctor Coxe and the warden of All Souls' College, first called before us the regents in whom we thought all the doubt consisted; purposing unto them, how much it should confer to the redubbing of all such displeasures and inconveniences as might ensue unto them upon your grace's indignation, conceived most worthily agayne them for their ungodly behaviour, used heretofore towards your highness, if now at the least wise they would shew and

declare their good conformity, in submitting themselves and their whole opinions to such order as had been devised by the most sage and wise doctors of the University; desired them as of ourselves, forsomuch we would be very sorry to have cause to make such report of them as might hereafter be occasion of their no little hindrance and utter confusion; being sure, nevertheless, that the determination maugre their wills, should take and have good effect and expedition, that they would be content the determination of the doctors should be taken and reputed as the determination of the whole university.

Whereunto divers answered us very frowardly. Albeit, finally causing them to divide themselves into two parts, we had of our opinion twenty-seven, and of the contrary part there was but twenty-two. After which experience had of the good wills of the more part, this morning first we called your grace's friends unto us, and making overture unto them of our purpose, wherein we found them all very agreeable, it was concluded among us to call a convocation at afternoon. In which convocation, first calling apart the faculty of divinity, and after them the faculty of law canon, and thirdly the faculty of civil, and fourthly the faculty of phisic, and after them the bachelors of divinity and non-regents, and causing them one by one openly to shew their minds, we found them all except eight or ten very conformable and desirous to fulfil our said desire, so that then the only let and impediment was in the regents. And forasmuch as practising with the presidents of the colleges here, all the morning before, how to attain the said regents' good wills, it was devised we should call the company of every house, singularly one by one, to shew and give their voices in a secret scrutiny, setting always the master of their college by me, the bishop of Lincoln, the commissary and proctors, to know if they did with us or no, which had before promised us and their master so to do. And so, finally, had for our part seven-and-thirty; our adversaries having on their side five-and-twenty. Whereupon desiring the commissary to publish the said scrutinies, we caused him also there and then, immediately to make a decree thereupon, according to such form as we send here unto your grace. And so, all things now having good success, we intend to-morrow to call

all the judges together, and after a mass of the Holy Ghost, which I the bishop of Lincoln purpose to celebrate, God willing, to proceed to the determination, which bringing to good effect, and as we trust to your grace's own desire, at afternoon, we purpose to have their said determination read openly in a great convocation, where also eight must be chosen by the commissary and the proctors to oversee and correct the instrument so made before it be sealed. Which eight, forso-much the commissary and the proctors will choose such as we shall think good, there is no doubt but the same shall be by them approved. And if we may have the instrument, well written, and clean, we doubt not but it shall be sealed in the same convocation, or else the next morrow, without fail. Which thing done, we intend to give them leave here to proceed unto their act of commencement, and so to repair to your highness with all diligence, unless your grace shall command us the contrary; at which our coming we shall declare unto your highness more amply the whole circumstance of all our proceedings here.

Thus we pray Almighty God to preserve your most noble and royal astate.

At Oxford, the 5th day of April.

Your highness' most humble subjects and servants,

John Lincoln,

Edwarde Foxe,

John Bell.

Number CIII.

*Copy in Croke's hand of a letter from Croke to
apparently written from Venice at the end of January, 1530.*

Vitell. B.
xiii. fol. 42.

AFTER most hearty commendations, please it you to be advertised [that] I have so compassed my business that I trust to have Padua, with a little help, wholly to conclude for the king. Mr. Protonotary [tells] me that he hath seen the epistle that we seek for in Alean[der's] hand; and that it is an epistle of Basilius, and not Gregory's. Mr. Protonotary de Cassalis hath taken great pain to cause me to see some books, as he saith. But he hath therein found gre[at] difficulty, as I suppose, because he is known here openly for the king's ambassador, or because he is not *de republicâ Venetâ*, for by him as yet I have not got the sight of one book. And as it seemeth, they (that he hath meddled with) as to be mean for him to this purpose, hath other been abused themselves or hath suddely abused him; for when he hath appointed me divers time to wait upon him, he hath been fain to send me word again that as then they that appointed with him could not attend farther, they delivered him an untrue index, the copy whereof I send to my lord of Worcestre, with the copy of the very tru[th] delivered me this morning of all the books of Scripture being in the library of St. Mark in Venice. In the consideration of the which his letts, I made suit to a learned man, a friend of mine, being one of the nobles of Venice, to help, and by his means, whereas the duke had denied Mr. Protonotary to have any books out of the library, I obtained to be delivered yesterday unto me two books of Nazianzene's Epistles, Quæstiones Maximi, Margaritæ Chrysostomi, omnes canones et acta concili[orum] cum commentis Græce, et nonnullis episcoporum epistolis. Here be four doctors that hath written and concluded with the king, whose authorities is such that by them we doubt not but to obtain at Padua; for one of them is of the nobles, and his cousin-german is governor of Padua, and payeth all the readers there, and hath promised us in case we can find the means that our questions may be disputed by license of the duke.

Number CIV.

Copy of a letter from Francesco Georgio to Francesco Cronico, written from Venice, Feb. 9, 1530, and forwarded to Croke.

[*Copia litt*]erarum quas scripsimus domino Francisco Cronico, nobili Mediolanensi et doctori [in ut]roque jure pien-tissimo, ac in scripturâ sacrâ hebraicâ et latinâ erudi-tissimo.

. casus occurrit non minus pulcher quam importans, Vitell.
quem mitto in inclusis [vin]culis consulendum, pro quo te B. xiii.
instantissime rogo ob amorem et benivolentiam nostram, ut in fol. 44 b.
eo vellis deponere quod sentis, et procurare ab eis doctoribus
[j]uris et sacræ theologiæ, habere subscriptionem, aut quod
ipsi scribant. Et promittas mercedem omnibus qui volunt,
et qui de hujusmodi victitant, ut æquum est, et statim dare
curabimus aut per mercatores apud quos hospitabaris hic
Venetiis, aut per quemcunque volueris. Et quæ scripsi ego,
mitto, cui depositioni in alterâ copiâ subscripserunt octo theologi
hucusque. Et si aliqui tecum vellint subscribere his quæ
deposui, erit mihi gratissimum, nec existimo posse in præsent
præstare mihi obsequium magis gratum. Est enim contra-
versia propter hæreditatem non modicam
.¹² Nec vellem dare pecuniam pro his qui
sentiant quod Papa dispensare posset. Sed his qui sentiant
oppositum, et consona sentiant scriptis nostris, quod viz. lex illa
Levitica manet inconcussa, et Deuteronomica fuit condicionata,
et non servatur ulterius, nec a Christianis nec ab Hebreis ut
ipsi in talmud suo habent determinatum. Mitto pro hujusmodi
negotio Johannem Marinum nostrum fidelissimum, et viginti
senta pro parte aut arâ saltem Accipe quod vis et reliquam
pecuniam si plus expenderis mittam celerime.

Vale et tuum Franciscum ad vota habeas.

Venetiis 9 Februarii.

Tuus F. F. Georgius.

¹² There are four words here that the editor cannot decipher.

Number CV.

A summary of the means to be used for biassing the Italian doctors. Probably of the date of February, 1530.

Tenor litterarum regiarum.

Vitell. B.
xiii. fol.
71 b.

[QUOD] putat expedire, ut tot quot fieri potest doctores in Italiâ undique in suam sententiam alliciantur, necessariâque mercede conducantur, ut adversariis oppositis, causam suam juvent, vel saltem non noceant.

Item quod cum percipiat raros hic esse Theologos qui vel non degant in religionibus vel religionem aliquam non sint professi, videtur Majestati suæ expedire ut in illis Theologis ac, si fieri queat, eorum etiam ordinibus præpositis provincialibus comparandis, quantum fieri possit, elaboretur.

Item quod ab istis Theologis inter cetera hoc expetit ut asserant tueanturque, prohibitionem hanc esse de jure divino indispensabili; a juris vero peritis, ut dicant affirmentque esse de jure divino simpliciter ad minus, si quid magis ab eis nequeat obtineri.

Item quod arbitratur quam maxime necessarium ut tot quot fieri potest, tum Theologi tum Juristæ, conducantur vel medio aliquo interteneantur, eo quidem consilio ut qui possent juvent, qui vero alterius sint sententiæ causam suam non lædant.

Item quod conandum est quod auctoritate fratris Francisci Georgii quamplurimi in partes suæ Majestatis attrahantur; ut quemadmodum justiciâ, rectitudine et veritate superior est, ita quoque adaucto numero vincat.

Item quod tam dicta Judæorum super Deuteronomio et Levitico quam quidquid aliud quod undecunque posthac in suæ causæ adjumentum inveniri poterit, summâ diligentia ad Majestatem suam mittantur.

Item quod scribatur ad episcopum Theatinum et ad Veronensem, ut juvent causam suæ Majestatis.

Item quod, licet sibi summopere placuerit quod hactenus secrete de causâ suâ actum fuerit, tamen ex quo frater Franciscus suscepit causam, arbitratur expedire ut, exploratâ prius

conducendorum sententiâ, suo nomine cum eis agatur, merces proponatur, et omne gratitudinis officium promittatur, quod Majestas sua haud d[ubi]e cumulatissime præstabit; confiditque quod, suo patefacto nomine, reddantur alacriores ut ei gratificentur qui potest et vult eorum laborum libentissimo rationem habere.

Item quod doctores canonum scribant prohibitionem de quâ agatur esse de jure divino; et quod conducti pro suâ Majestate accurate interrogantur [de] falsitate Brevis, de sufficientiâ Bullæ dispensationis propter minoritatem ætatis in quâ tunc non potuit supplicare, atque etiam propter resiliationem suam post Bullam concessam. Et quod curetur omnibus modis ut dicta horum doctorum ab universitate approbentur.

Item scribit ad Dominum Venetorum litteras quarum exemplar ad te mittitur.

Item scribit ad fratrem Franciscum Georgium alias litteras quarum exemplar ad te mittitur.

Item scribit ad dominum prothonotarium Casalium ut præsentet litteras Domino Venetorum, ad quem Dominum etiam dicit scribere sedulo eorum oratorem qui est in Angliâ.

Endorsed :—The tenor of the king's letters and instructions sent to me in the king's name, by my lord of Worcestre¹³.

¹³ There are two copies of this document in the Record Office, and one in the Cotton MSS. which agrees exactly with them.

Number CVI.

*Copy of a letter from Croke, from Venice, to
written March 29, 1530.*

Vitell. B.
xiii. fol. 66,
nl. 67.

AFTER most humble and lowly commendations, these shall be to advertise you that I have information by Doctor Adam and one o[ther] credibly, that Campegius hath solicited and stayd divers against the king of the grey friars, whom we ascertained the bishop of Worcestre that we should have, and no man else earthly. And we were thus far onward that their minister had taken ten crowns of father [Franceys, promising him and assuring him the subscription of all his friars here, being doctors and learned, to the number of twenty. And thus after this promise, kept the said money with him three weeks, and then sent to him again, saying that he could not achieve his promise. Notwithstanding, for all his craft, some we have of the doctors of his house, and more shall have. And of one other religious besides them of Myllayne, of whom in a manner we doubt nothing, we have ten or twelve doctors of the best part in authority, part in learning. I trust to obtain one of the greatest adversaries that the king hath, his counsels and writings against the king in our hands, where in as I am informed, there is solution made to all our reasons. I would ye would send hither the copy of the arguments and book of our adversaries¹⁴.] Sir, I perceive that these Italions marvellously crafty with the king, and will seem to do many things, and in very deed do not only nothing, but privily and secretly put all the obstacle they can, as I shall shew you at my resort unto you, how I dare not write all that I think, nor that I know. But I have no lust to make any them privy any more of that that I know, for I assure you I can feel therein no furtherance. Nor if ye will your matter to go forward after your appetite, it is good ye trust them in nothing. Albeit, I beseech you keep

¹⁴ The matter inclosed in thick brackets [] is scratched across.

this letter to yourself only, nor trust no Englishman with the same, but yourself. Sir, this bringer is he that is conducted of Venice, or at the least hath of them a stipend of 200 ducats, a Jew converted, and in our cause a faithful man, although he cannot speak Latin, yet no question in the old law and Hebrew best learned that I can urge as ye shall perceive by reasoning with him. Sir, such writings as I have I will bring [with] me or send them by the bishop's servants.

(Continued in the same hand.)

Exigit negotii Regii utilitas, ut nos quamprimum con- fol. 66 b.
veniamus, consulamusque de nonnullis quæ literis nullo modo audeo committere. Annotavi ex nomo, canonibus, et Basilii canonibus, epistolisque Athanasii et Theophili, longe plura quam habetis eâ cum epistolâ quam bis antea ad te misi, nunc iterum mitto nec non a notario mihi authoratâ. Reliqua quæ ex Rapsodiâ commentariorum in Pentateuchum collegi, proximo nuncio mittam, aut si tibi videatur adferam ipse. Omnino necesse est ut nos conveniamus; quo citius, eo melius, propter multa quæ novi, quæque non licet scribere. Qui has adfert M. Rhaphael est in Hebraicis doctissimus, ut a me doctioribus fideliter audio. Si quid ad nos velis perscribere curabit hic ut ad nos tempestive feratur. Nisi ad me scripsisses ipse, quod intra octo dies ad me scriberes, et episcopus scripsisset quod putaret nos Cæsarem secuturos, jam fuisset apud vos. Ego nihil de discessu Pontificis intellexi, nec aliquid a vobis accepturus sum nisi per hunc mittatis. Non credetis ut μετὰ τὴν ἐορτὴν pecunia mihi subministrata sit, quanquam parce pro sumptibus quos præter victum episcopus, fratre nuncio, jussit ut facerem. Certe nihil mihi pecuniæ superest; et vereor ut misere destituatur, nisi tu mittes. Sed hæc melius coram. Interim fidei diligentiaque fratris Francisci oblivisci nec possum nec debeo; quippe cui uni quidquid in hac regis causâ hic promovimus debemus.

Bene vale, 29 Martii.

Number CVII.

The case for the king drawn up by Michael Zodo, preceded by a fictitious case somewhat resembling the king's case for the divorce, March, 1530.

Record
Office.

POST præinsertas litteras dispensationis, superveniente ætate legitimâ, dictus Olimbrandus, ad contrahendum matrimonium per verba de præsentî, illudque consummandum, antequam ad dictam Barbaram ut cum eâ se commisceret intraret, coram notario et testibus solemniter protestatus, fecit se ad eam intrare, non tamen animo contrahendi aut alias perficiendi matrimonium, hanc protestationem dictâ Barbarâ penitus ignorante; causa est quia uti cum propriâ uxore per duodecim annos et ultra, etiam cum susceptione prolis fœminæ viventis, cohabitavit.

Modo dictus Olimbrandus, conscientiam maxime ductus, petit dictam dispensationem nullam declarari, et consequenter nullum fuisse matrimonium; proinde an debeat admitti vel rejici dicta petitio de infra scriptis dubitari contingit.

Articuli pro causâ regis formati a Domino Michaele Zodo.

Primum est, utrum dicatur constare de dispensatione, etiam quantum ad litteras sub plumbo, propter contrariam assertionem quam facit Papa in aliis litteris tertio loco positis.

Secundum est, posito quod litteræ dispensationis sub plumbo sint legitimæ, utrum dicatur legitime constare de dispensatione per litteras in formâ brevis datas eodem die quo litteras sub plumbo, ita ut fidem faciant in Judicio, quia non videntur carere falsi suspitione, ex quo, ex eâdem petitione, seu supplicatione utræque litteræ concessæ videntur, illud quod tantum in unius litteris contineri cum effectu deberet, quantum in aliis; cum igitur plus et majus videatur inesse in brevi quam in bullâ, non videntur bonæ literæ brevis, adjunctis maxime multis aliis conjecturis contra prædictas litteras in formâ brevis,

quod non fuerint expeditæ quæ in prosecutione quæstionis subjiuntur.

Tertium est, posito sine veri præjudicio quod etiam dictæ literæ in formâ brevis sint legitimæ, et retento quod licet sumus in prohibitis de jure divino, tamen ex quo alias Deus in casu de quo agitur dispensasse supponitur, possit et Papa, illius vicarius ex causâ dispensare; utrum causa pacis sit vera et sufficiens, cum tempore dispensationis nulum esset bellum aut de aliquâ re controversia inter regem et ducem, immo pax et amicitia.

Quartum est, posito quod causa pacis in literis sub plumbo de modo expressa non sit sufficiens, utrum eo modo quo est expressa in brevi ita adjiciat ut causa pacis remaneat valida et potens pro dispensatione.

Quintum est, posito sine veri præjudicio quod dicta causa pacis expressa in utrisque literis non sit bona, utrum illa verba in brevi posita ibi, et aliis causis animum nostrum moventibus, etc., præstent causam dispensandi ita ut, datâ subreptione et invaliditate causæ expressæ pacis, sustineatur ex illis verbis dispensatio.

Sexto, utrum illa protestatio facta ita ut faciat cessare consensum Olimbrandi in dicto matrimonio, an vero veluti continens turpitudinem protestantis et tercii præjudicium non recipiatur.

Septimum est, ex quo in literis dispensationis Papa dicit quod dispensat ad supplicationes Olimbrandi et Barbaræ ut possit per verba de præsentî matrimonium contrahere aut contractum legitime tollendo impedimentum affinitatis sit surreptitia et nulla, etiam ipso jure dispensato ex quo non expresserunt Papæ quod Olimbrandus esset in 12 vel 13 ætatis annorum constitutus, et consequenter non poterat per verba de præsentî matrimonium contrahere et minus ita supplicare.

Octavum, et ultimum, posito quod dispensatio ex præcedenti causâ sit nulla, utrum superveniens major ætas Olimbrandi et secuta carnis commixtio revalideat dispensationem et subreptionem tollant.

Item, quod doctores Canonum scribant prohibitionem de

quo agitur esse de Jure Divino; et quod conducti pro suâ Majestate, accurate interrogentur de falsitate Brevis, de sufficientiâ Bullæ dispensationis propter minoritatem ætatis, in quâ tunc non potuit supplicare, atque etiam propter resiliationem suam post bullam concessam.

Endorsed in Croke's hand:—The copy of the bishop of Worcestre's instructions wherein is the slanderous and untrue process of the king's protestations, which hath marvellously hurt the king's cause in men's opinion.

Number CVIII.

Corrected draft of a letter from John Cassali to the king, promising, as in duty bound, to render his best services, written April 5, 1530.

SERENISSIME atque Invictissime Domine Rex, Domine Record
Office.
supreme, humillimâ commendatione præmissâ, salutem.

Hactenus non scripsi ad Regiam Majestatem vestram de his quæ egeram in ejus negotio, quum nihil mihi ab eâ mandatum fuerat; sed quæcunque agebam ad equitem fratrem et ad oratores qui Bononiæ erant, scribebam; aliqua etiam ad ducem Norpholciæ et ad dominum Guronem scripsi. Heri accepi litteras Majestatis vestræ; quæ mihi gratissimæ fuerunt, et cum illis etiam litteras ad hos Dominos; quas, cum mihi et domino Croco oportunum videbitur, eis reddam.

Ego in negotio Regiæ Majestatis vestræ procedam nunc liberius, et ita me geram, ut intelligat non frustra hoc et domino Croco et mihi mandâsse. Et ne tædio Regiam Majestatem vestram afficiam, si qua fuerint ad hanc causam vel ad res publicas spectantia, quæ longiori indigeant oratione, ad Ducem Norpholciæ scribam, et ad Guronem.

Illud unum velim Regiam Majestatem vestram pro certo habere, me quoscunque labores et vitæ discrimina, pro Regiæ Majestatis vestræ dignitate et ornamento libentissime aditurum, quum ita teneor postquam me eidem Majestati vestræ addixi, eoque magis quo ipsa, illius reservationis beneficio, me sibi in perpetuum devinxit; de quâ immortales gratias ago Regiæ Majestati vestræ, cui me unice commendo.

Venetiis, die quintâ Aprilis, 1530.

Serenissimæ Regiæ Majestatis vestræ

humillimus servitor,

Jo. Casalius, prot.

Serenissimo ac Invictissimo Domino, Angliæ
et Franciæ Regi, domino meo supremo.

Number CIX.

Original letter from the bishop of Worcester and sir Gregory Cassali, to Croke, directing him to obtain the General of the Franciscans at Venice to write for the king.

Record
Office.

REVERENDE Domine, tanquam frater amantissime, salutem, etc.

Quoniam Regia Majestas, præter viros magnâ doctrinâ et autoritate præditos, qui pro suâ causâ scripserunt, cupit ordinum seu religionum etiam Generales habere; et nos accepimus Venetiis esse Generalem ordinis Sancti Francisci; scribimus Domino Protonotario Casalio, Oratori Regiæ Majestatis ut super hæc re omnia vobiscum communicet. Curabitis igitur una ut modum aliquem reperiatis, quo obtineatur ut prædictus Generalis pro causâ Regiæ Majestatis scribat. Quoniam vero super hoc negotio copiose ad præfatum Oratorem scripsimus, non erimus vobiscum longiores. Omnia namque ab ipso accipietis. Hoc negocium vobis non commendabimus, quia Serenissimi Regis negocia vobis satis superque commendata esse scimus. Et bene valete.

Bononiæ, die 13 Aprilis MDXXX.

Hic. Ep^a Wigorniensis

Gregorius Casalius.

Venerabili viro Domino Ricardo Croco,
nostro uti fratri carissimo¹⁵.

¹⁵ This letter is copied correctly in Vitellius B. xiii. fol. 75.

Number CX.

Copy in Croke's hand of a letter from Croke to Francesco Georgio, complaining of his conduct.

SECUTUS fidem patris Francisci Georgii, et misi ad principem literas tuas, et ita commendavi excellentem eruditionem, et tuam illam, (ut literis præferebas expositam in principis causam) operam benevolent[em], ut non diu sit futurum quum ab eo et litteras sis accepturus, et gon . . . aliquod et te et ipso dignum munus. Numeravimus etiam tibi scuta plus minus quadraginta, ut quod affatim policebaris, pro tuo honore pariter et commendo¹⁶ præstares. Quocirca cum videam te, de quo tam bene et sumus meriti, et merebimur, et adhuc mereri decrevimus, illudere nobis, et non modo frigide, sed etiam ut nostri contra nos scribant procurare, ne mireris si angamur indignemurque, præsertim cum hoc tuo facto periclitari feceris meam apud principem et fidem et gravitatem.

Vitellius
B. xiii. fol.
67.

Qualis enim ego videbor qui hostes principis in damnum principis, pecuniam tam stulte profundo? Jam etiam ita extollere litteras fidemque tuam et Francisci ut ipse maximum adornârit meâ commendatione vobis præmium, et deinde nihil per vos posse exhibere, quin quod cum capitis mei periculo, optimum et liberalissimum principem offendat. Quam hoc quæso dolendum mihi et patri Francisco, immo tibi etiam cujus honor non parum hoc obfuscabitur. Sed et illud expende quod nos nomina celavimus, ut faciens pro nobis semper haberes quod responderes nihil te scire, cujus, neque quod principis causa esset, et tum laboris tui præmium auferres (ut a magnanimo et doctissimo principe). Maximum rogo igitur mi Franciscæ ut vitæ meæ, famæ tuæ, et patris Francisci Magistri tui nominis extra modum amantiss[imi] fidei rationem habeas, faciasque ut quam plurimi Theologi Magistri conclusionibus istis subscribant, quas approbavere

¹⁶ Probably a mistake for *commodo*.

tres maxime Academiæ; et fidem tibi policeor meam, effecturum
ut nunquam ullam operam tuam senseris tam bene collocatam.
Bene feliciterque vale et nos ama qui te ob famam litterarum
et virtutum arctissime diligimus.

16 Aprilis, Veneciis¹⁷.

¹⁷ The writer has copied his own letter with great carelessness, and though the meaning of every sentence is clear, there must be several expressions which differ from the original, as many passages are ungrammatical. The differences seem to consist in the omission of words,

just as would be likely in making a hasty transcript of what had just been written. The same remark applies to some other copies by the same writer, on which the editor has not thought it worth while to comment.

Number CXI.

Holograph letter from San Pagnino to Henry VIII, alluding to his writings for the case of the divorce, and petitioning him in behalf of Florence, the place of his education.

SERENISSIMO Regi Angliæ, Henrico Octavo Sanctes Record
Office.
Pagninus Lucensis ordinis prædicatorum, S.P.D.

Quantum, ut aiunt, in sinu lætatus sim, perlectis literis Majestatis tuæ, Serenissime Rex, haudquaquam his literis me consequi posse arbitror. His enim perfacile, non modo tui animi candorem, probitatemque, verum etiam in me homuncionem, humanitatem ac liberalitatem expendi. Quid enim tuâ dignum Majestate effeci, ut tantis me efferas præconiis, totque optes afficere bene-meritis? Pro his, immortalī Deo primum, subinde tibi, gratias agimus. Parum insumpsimus laboris pro veritate tuendâ, pro quâ et mortem oppetere non formidamus. Laboramus, quantum datur ocii, ingenii ac virium, in causâ gravissimâ Majestatis tuæ; quæ utinam quamprimum optimum sortiatur effectum, quem jam ut arbitror, sortita fuisset, si per homines sine velamine affectionum dijudicata fuisset. Mittam, ut jubet tua Majestas, literas et exemplar eorum quæ scripsimus et scripturi sumus in hâc causâ ad Episcopos Veronensem ac Theatinum mihi amicissimum, et ut scribant quid sentiant rogabo et obsecrabo. Unum est quod a Majestate tuâ, toto corde, totis viribus, pro tuâ in fidem Christianam religionem, pro tuâ in Christum Christianosque, illius membra, dilectionem, pro pace totius Italiæ, quam scio tibi esse cordi, pro tuâ in me servulum suum benevolentiam, ut memineris pauperculæ civitatis Florentinæ, quæ me educavit, honore, beneficiisque affecit innumeris, cui me ipsum totum debeo, pro quâ jejuniis me affligo, orationibus quoad valeo incumbō. Scio illam justissimam habere causam se tutandi, quum libertatem, uxores, liberos, propinquos, affines, concivesque defendat; ubi sunt ultra centum et triginta milia animarum; a barbaris injuste obsidetur tamdiu, omni auxilio humano est destituta. Quis non defleat illius

pulcherrimæ urbis calamitates, castrorum, villarum, prædiorum, domorumque deprædationes ac vastationes? Quis non deplorat Pastoris Clementis inclementiam, qui suas oves ita mactat et perdit? Quis non lugeat primum Florentinum civem in patriam civesque suos ita debacchari? Quare, si quid in te est pietatis, (permulta siquidem est,) si quid est misericordiæ, rogo et obsecro Majestatem tuam, per Regem Regum Jesum Christum et ejus matrem Mariam Virginem, quam singulariter diligis, ut miserearis illius civitatis, scriptis ad summum Pontificem literis, ut suggeret episcopus sanctus clam quoque mutuatis pecuniis, cum illius civitatis optimâ securitate. Sic enim, ut arbitror, perfacile solvetur obsidio, et rem gratissimam Deo facies; sed et civitas illa perpetuo tibi erit obnoxia, et quum nihil habeam, nisi me, pro illâ me ipsum obsidem dabo. Pluribus tecum egi quam par fuerat, sed amor in illam patriam me coegit; cogat te Christi amor ut miseris opem feras. Christus post longam et fœlicem vitam, perpetuum tibi conferat Regnum. Rogavimus et Dominum Edvardum ut hæc de re tuam alloquatur Majestatem. Vale in Christo fœlix.

Ex Lugduno, die 22 Aprilis, MDXXX.

Ejusdem tuæ Majestatis servulus

S. Pag.

Qui supra.

Endorsed:—S. Paganinus, Serenissimo Regi
Angliæ Henrico Octavo fidei propugnatori
Invictissimo.

Number CXII.

Original letter from sir Gregory Cassali to the king, detailing his progress in getting opinions for the divorce.

SERENISSIME et Invictissime Domine Rex, Domine
supreme, humillimâ commendatione præmissâ, salutem, etc. Record
Office.

Ut vestræ Regiæ Majestatis mandata conficeremus, omni cum diligentia ac sollicitudine curavimus, ut quotquot fieri posset, primi nominis Theologos in nostras partes deduceremus, ita ut pro vestræ Majestatis causâ scribere non recusarent. Quæ Venetiis, per Dominum Protonotarium¹⁸ et per Dominum Paulum fratrem acta fuerint, ipsorum libris significabitur. Ego in hunc usque diem hosce Theologos comparavi; Magistrum Chrisostomum, ordinis prædicatorum sancti Dominici Inquisitorem; ex ordine Conventualium sancti Francisci ministrum hujus provinciæ Bononiensis, et magistrum Laurentium, qui primo loco Theologiam Bononiæ publice in scholis profitetur, aliumque ordinis ejusdem regentem, a munere quo fungitur nuncupatum. Ad hos Generalem ordinis Servorum, et alios præterea nonnullos, quos non ante nominabo, quam ipsorum scripta in manibus habeam.

Confessor ille Cæsaris, nuper Cardinalis creatus, et Cardinalis Sancti Sixti¹⁹ omnia mihi perturbârunt in hoc ordine Prædicatorum Sancti Dominici. Ut enim ex Gurono, ad quem uberime de omnibus scribo, accipiet vestra Majestas, cui nolo minus necessaria scribendo molestus esse, istorum operâ factum est ut plerosque Theologos, qui se scripturos promiserunt, amiserimus. Ex Jureconsultis vero aliquos ex his in sententiam vestræ Majestatis scripturos puto. Ego Bononiæ sex adhuc dies commorabor harum rerum causâ; inde Faventiam me conferam, ubi congregatio, seu capitulum provinciale minorum conven-

¹⁸ Henry had written a letter to the pope asking for John Cassali to be made a cardinal, April 9, 1530. The letter is in Theiner, p. 591.

¹⁹ A letter of thanks from Cle-

ment to the cardinal for his diligent and prudent conduct in the affair of the English marriage, dated from Bologna, March 27, 1530, has been printed by Theiner, p. 590.

tualium ordinis Sancti Francisci habebitur; inde Ariminum contendam, ubi capitulum provinciale erit ordinis Sancti Dominici. In Picenum vero Sancto-Severinum, ubi aliud provinciale capitulum habebitur, Dominum Paulum Casalium mittam. Ego Arimino Anconam proficiscar ut Generalem observantium Sancti Francisci conveniam. Illinc Romam appropinquabo, ubi erit conventum seu capitulum generale ordinis Sancti Dominici. Illud autem Majestati vestræ confirmo, nihil a nobis per negligentiam prætermisum iri.

Exempla quorundam scriptorum horum Theologorum ad Guronum mitto, præter quæ, alia quoque me habiturum spero, quæ mittam quum habuero. Et optime valeat vestra Regia Majestas.

Dat. Bononiæ, die 4 Maii, MDXXX.

Ejusdem vestræ Regiæ Majestatis
humillimus servitor,

Gregorius Casalius.

Serenissimo et Invictissimo Domino, Angliæ et
Franciæ Regi Illustri, fidei defensori, Domino
Hiberniæ, etc. Domino [meo supr]emo.

Number CXIII.

An original letter from Crocino to Georgio, explaining that he is entirely at his service, written from Milan, May 15, 1530.

REVERENDE in Christo p[ater o]bservandissime.

Record
Office.

Tuas 27 Aprilis datas prid[e accep]i, longo ut vides tempore post; quibus quod primum rogas ut ignoscam id ad
 . . . me minime decere arbitror. Quidquid enim usu veniat, mi pater, velim habeas [semper] filium in quo tibi complaceas; quod te agente, gratias tibi nunquam non agam maxi[mas]; tantum obsecro animadverte; ne tuus in me amor cecutiat. Nam quid erat quod [de] me tot ac tanta ut memoras ad regem scriberentur? quid sum etenim? Quid est quod mihi qualiscumque sim arrogem? Si secus quis putet aut præsumat, prorsus contradico. Si quid accepimus non gloriamur quasi non acceperimus; glorificantes quidem dominum glorificamur; qui autem glorificat nos Deus est qui in nobis glorificatur; germen inquit plantationis meæ ad glorificandum. Omnem qui invocat nomen meum, in laudem meam creavi eum, formavi eum, feci eum. Nunc clarificatus est filius hominis, et Deus clarificatus est in eo. Si Deus clarificatus est in eo, et Deus clarificabit eum in semetipso et continuo clarificabit eum. Quod ad reliqua pecuniarum, opinor te jam accepisse omnia quæ diebus superioribus volens lubensque remisi. Quæso autem, fidem erga te meam agnosce. Tanto tempore tecum sum; nam et absens tecum sum; non agnoscis me, gratis damus quod gratis accipimus. De hiis igitur nulla deinceps a te mentio inferatur. Quas ego dignas tibi gratias umquam referam, immo vel agam? quæ res, quæ merces, quæ commutatio apud me iis digna? Reliqua vero quæcumque a te acta sunt, nunquid non semper boni consului? Et id palam testatus sum, ac identidem testor, Magnificum Dominum Ricardum mei gratiâ huc venire minime oportere. Quidquid est in me tibi ad minimum nutum, ut seïs, expositum est. Aliorum autem gratiâ si venire vult, agat ut sibi placet.

Literas ejus, de quibus in hisce tuis mentionem facis, nullas vidi aut reperio. Quod postremo scribis te desiderâsse ac desiderare a me responsum ad nonnullas clausulas quod nunquam acceperis, obsecro m[axime] qui te ac qui me consulunt in hujusmodi æquo animo consulant. Quamdiu uit in targlio, Impius est contra me, obmutui, cessavi et tacui a verbis [bonis]. Si vere de veritate queritur ut amicus amico consulens, ab initio præmonui mitte et rationum in facto vigentium seriem in scriptis, mutatis si placet nominibus, [n]ec pugnemus in aera percutientes.

Postremum etiam unum est quod te animadvertere summo-pere rogem. Ne, quod superioribus diebus scripsi, impedimento nobis fuisse quod causa quæ qualisve foret, nonnullis hic innotuisse per adventum eorum magistrorum; ne id unquam culpæ imputetur. Probitas etenim non patitur quempiam temere de probatis viris non probe præsumere aut proloqui. Ex intentione quidem Magnifici Domini equitis Casalis per ea quibus præsentī præsens consensit; idoneus testis sum id fieri non potuisse, cum ipse hâc de causâ mutuâ meâ conventionē hic sese continuerit. Non secus etiam de viro illustri, cujus operâ post suum hinc discessum usus est, suspicari licet. Vir enim est prudentissimus, sed casu eveniunt multa; ut res quæpiam sine agentis culpâ præter opinionem innotescat, prout in casu isto; ex parte postea comparui. Sed hæc longius nunc recensere tibi necesse non arbitror. Si oportunum foret, laborem scribendi, non parcerem. Verum hoc meum de illo testimonium insumam. Si oportunum tibi videbitur innotescere Reverendissimo legato Casalis apud nos Venetiis agenti, ac per eum ipsi equiti Casali, mihi gratissimum foret. Reliquum aliud nihil est nunc nisi valitudinem cures meque, quod facis, ames. Vale.

Dat. Mediolani die 15 Maii, 1530.

Endorsed in Croke's hand;—Litteræ ex quibus Crucinum constat per Franciscum nobis reconciliatum.

Number CXIV.

Copy of Croke's letter to Foze, in his own hand, detailing his progress, written from Bologna, May 26, 1530.

MASTER FOX,

After most hearty thanks these shall be to a[dvertise] you that the king's matter here goeth lustily forward; N[otwith]-standing the manifold frauds and lets the which by my let[ters] I ascertain his highness of, with such proof that it cannot be sa[id] that I speak of suspicion and report, but upon knowledge. And I hav[e] by witness and letters proved some things afore my lord of London, the which ye will not believe. Sir, the king hath by my diligen[ce] only, thirty-six doctors and fourteen friar observants of good lear[ning] and estimation here, which already hath written and subscribe[d] directly with his conclusion; so that in all he now hath fifty, and f[our] more I doubt not to send him shortly, notwithstanding the evil chance that happened to father Franceys, at Vincence, as more plainly appeareth by my letters unto the king's high[ness]. I send you a conclusion and subscriptions given me by Simo[netus], the which, because Simonetus hath (as he saith till licene[ce] be obtained that he and they may speak at liberty) chang[ed] *posse* into *debere*, till I have that changed again, I will not ascertain the king of. But by this ye may see what hope we have. I shall not fail to serve my prince truly, faithfully and earnestly, without acception or fear of any man living. And so I beseech you to report unto his highness. And I pray you of your goodness to commend me most humbly to my most dear lord and master, my lord of Riche-monde, advertising his grace that I trust to bring him home Cæsar's bridge, and a copy of a galley with five hores, such as few men have seen. And I pray to advertise the king's highness that the a[nswer] unto his most honourable letter shall be as his ambassador sa[id] that the senate will bid me do my best, and will not interrupt my endeavour. But if our matter by them should any thing be advanced, the prince

Vitell. B.
xiii. fol.
79. al. 80.

must call the heads of ev[ery] religion here to him, and shew them, and bid them shew their fellows, that if any man demand their opinions in a question of matrimony concerning the king of Englande or emperor, that the senate is well content that eve[ry] man say and write their minds according as [their] learning and conscience will give them. And thus fare[well.]

From Bonony the 26 of May²⁰.

²⁰ On the back of the same leaf and another from Croke to the king, dated from Padua, May 30, is a letter from Croke to Bryan Tuke, written from Bologna, on the same subject, the following day, much to the same effect.

Number CXV.

Holograph letter from John Wellesburn to the king, implying that the determination of Angers had been already given in the king's favour, written from Angoulême, May 16, 1530.

IT may please your highness to be advertised that the great master hath sent word hither that the place where the children shall be delivered is appointed, and the day shall be kept for their deliverance; and then I trust the king will remove hence. Many have fallen sick here as well as I, beside that the great sickness is in many places in the country, and people die for hunger. I can hear no man speak any thing whereby I may have knowledge what is done or what is intended. There is much counselling daily, as I have written unto your highness in mine other letters. When I can know any manner way what it may mean, I will advertise your highness thereof. Whatsoever it be, it is very secret. Gervaise hath written from Angiers to Monsieur de Bayone of his speed there, and is gone from thence to Parys with their determination for your grace's part, as Monsieur de Bayone told me yesterday; who came to see how I did, and as he said, by the king's commandment, who would I should have had his physicians and anything else that might be done for me; wherefore I prayed him to thank the king on my behalf for his goodness. I advertised your highness in my last letters that I was very sick, and so I was without doubt for eight days, but now, with the comfort of my lord of Winchester²¹ and the diligence of his physician, I am well recovered, and have very hope of continuance in health, with the grace of our Lord God, who send your highness long life in health with your gracious heart's desire.

From Angoulesme, the 16th day of May.

Your humble subject and most bounden servant,

Jon Wellesburn.

To the king's highness.

²¹ This is a mistake of writing for Wiltshire, who wrote to the king two days later from the same place. The letter is printed in State Papers, vii. 235.

Brit. Mus.
Addit.
MSS.
25114,
fol. 32.

fol. 32 b.

Number CXVI.

Copy in Croke's hand of a letter informing him that the writer had obtained permission from the pope to allow theologians to express their opinions freely, together with a copy of the mode in which the opinion was to be expressed, May 1530.

Vitell. B.
xiii. fol. 82.

CONVENI, rogatu oratorum regis Angliæ, Pontificem (die) precabarque illius nomine ut Sanctitas ejus permetteret Theologis quibuscunque in Italiâ ut bonâ veniâ ipsius liceret disputationibus scriptisque pronunciare,—

An liceret ipsi, immo an posset Pontifex dispensare ut frater fratris defuncti absque liberis, ad suscitandum fratri semen, relictam ab eo uxorem ducere in uxorem. Ad quæ postulata respondit primâ facie Pontifex permissurum se quidem ut in hâc quæstione libere dicerent scriberentque quid sentirent omnes; de quo Sanctissimi Domini nostri animo et propensâ ad exquirendam veritatem alacritate vos admonendos putavi, ut mearum litterarum testimonio freti, non nobis modo sed aliis quibuscunque animum adderetis ad exquirendam in hâc tam difficili quæstione veritatem, vestramque qualemcunque citra omnem metum in hâc re verbis scriptisque testaremini opinionem.

Has litteras velim scribi
singillatim singulis

{	Francisco Crucino.
	Joanni Francisco Mari[no].
	Francisco Georgio.
	Thomæ Omnibono.
	Simoni Ardeo, alias Si[moneto].

Conclusio Simoneti.

Visum est nobis infra scriptis, Magistris et sacræ Theologiæ doctoribus omnibus consultis, ac mature et diligenter pensatis, non licere Christiano accipere in uxorem, relictam fratris sui, vel acceptam tenere, etiam si absque liberis ab humanis discesserit, quia tale matrimonium est a divino jure prohibitum, etiam naturæ regulatæ, rationi et moribus contrarium, nec debere dispensari, immo nec posse.

Number CXVII.

Copy of a letter from the bishop of Worcester to Croke, made by Croke himself, explaining that his nephew Andrew may be trusted.

VENERABILIS vir, uti frater honorande. Per Remigium Record
Office.
qui heri huc rediit, recepi tuas litteras datas 3 hujus mensis, gratissimas quidem ex eo potissimum quod te sanitatem recuperâsse intellexi. In quâ rogo Deum te sinat perseverare juxta tui ipsius votum. Quod scribis in primis de catalogo nominum tibi ab Andrea nepote meo tradito, miror te de meo nepote secus sentire quam sentire debeas, cum (ut puto) nihil de eo videris quod tibi potuerit causam prodere de eo aliquid sinistri suspicandi. Puto ego nepotem meum catalogum illum tibi dedisse, quem ego ei tradideram; nec est quare ipsum mutâset. Quem autem ei dedi tibi tradendum Dominus Gregorius mihi tradidit; nec potui ego qui Mediolani non fui, nec cum Crucino ibi tractavi, divinare quod nomina illa partim sint ex his quæ misit Crucinus, partim sint ficta, ut scribis. Quod autem Dominus Prothonotarius diversam de his notam tibi tradiderit, nihil ad me; ipsi de hoc rationes dent. Ego neminem ex nominatis cognosco. Quod petis de nominibus eorum quos paravimus, ut scilicet ea ad te mittam, non possum ad præsens satisfacere; cum ea apud me non sint, sed ea habeat Dominus Gregorius, cui cura hæc remansit propterea quod, ut alias scripsi, visum fuit ad rem serenissimi Regis facere ut ego huc venirem, erit autem hic ut puto intra tres aut quatuor dies Dominus Gregorius, et tunc conabor ut hæc nomina habeas. Scio quod in discessu meo ex Bononiâ, tractabatur cum fratre Hieronimo de Luccâ, generali ordinis servorum; scio etiam quod quidam frater Crisostomus de Casali, ordinis prædicatorum, Placentiæ agens, scripserat pro parte Regiæ Majestatis. Aliorum nomina nescio. Ego autem alia non habeo nomina quæ ad te mittam; misi enim ad diversa loca quod curarent ut scriberentur, et præsertim ad locum

de quo me monuisti; ex hoc autem loco habeo literas quibus mihi significatur conductos esse aliquos, sed non significantur nomina. Aliunde adhuc non habeo responsum; spero cito habere, et cum habuero nomina omnia tibi significabo. Hic tentavi quamplures, sed frustra. Marcus Raphael est hic; volui eum in domo meâ recipere; sed noluit; noluit etiam operâ meâ aut facultatibus uti, licet ei omnia libere obtulerim. Dixit fratri meo venturum huc fratrem Franciscum, ad Papam, quod non omnino credidi, cum literæ tuæ nihil de hoc habeant. Quod scribis, mirari te scripsisse nos ad Dominum Prothonotarium de quodam Ioanne Francisco Mari, ego non minus miror, quandoquidem nihil de tali homine unquam scripserim, aut cogitaverim aut audiverim. Quod præterea mirari dicis, scripsisse me, ex eo quod nolis cum quoquam ea quæ ad me scribis communicari, velle me eo magis cum Dominis Casalibus communicari, etiam ego non minus miror; cum nec hoc unquam scripserim aut cogitaverim, nec sompniaverim quidem. Solum hoc scripsi, habere me in mandatis a Serenissimo Rege ut communiter cum Domino Gregorio tractarem et negotiarer, et nolle Majestatem suam ut unus sine alio aliquid faceret. Poteris itaque quod tibi faciendum sit a suâ Majestate intelligere, a quâ omnes pendemus. Remigium dum tibi servivit, mihi ipsi servisse censeo. Et cum tibi placuit eum apud te habere, fuit mihi gratissimum. Nunc cum nolis amplius apud te habere, etiam est mihi gratissimum eâ ratione quod id mihi gratum sit quod tibi gratum esse noverim. Quare et eo et omnibus meis semper poteris uti, imo et me ipso magis. Nam ex eâ die quâ primum te novi, multis ad id me cogentibus causis, meipsum et mea omnia tibi dedi, et nunc de novo do; quod ne videar verbo tantum facere, ita paucis agam, ut quando videris me nec sufficienter de hâc re verbis agere, putes noluisse verbis sed re facere satis; scribam ad te semper dum nunciî occasionem nactus fuero. Idem rogo ut et tu facias. Expecto Dominum Londoniensem et Dominum Benedictum brevi; cum venerint significabo. Bene vale, et me ut soles ama.

Ex Urbe, die 21 Maii, MDXXX.

Scrpsit ad me Dominus Prothonotarius indigere se pecuniis non solum pro doctoribus Paduæ, sed et pro Theologis. Cupio a te scire quod tibi in hâc re ut faciam videatur. Dico hoc ob Theologos; nam cum mihi significaveris omnes qui in partibus istis haberi poterant a te conductos, non video quod sibi parare potuerit Dominus Prothonotarius. Rogo itaque super hâc re ad me quam citius rescribas.

Exemplar literarum Wigorniensis, quibus ficta misisse nomina constat.

Number CXVIII.

Holograph letter from Omnibonus to the king, expressing his fears lest his subscription should have reached the pope's hands.

Record
Office.

QUONIAM ea semper fuit veritatis natura, eaque vis, Invictissime ac Sapientissime Rex, ut unumquemque non alliciat modo verum etiam trahat; cognitione enim veritatis, nulla est hominum jucundior voluptas, nihil in humanis rebus optabilius excogitari potest; eapropter cum ipsam intellectui bene disposito sese offerat, talem ac tantam vim secum ferre videtur ut nuda existens, ac nullâ specie alienâ fucata, adversus gravissimos oratores ac subtilissimos disputatores prævaleat semper. Nimirum igitur si in fidei catholicæ veritatem, quam te pie ac religiose amplexum esse perspicio, ego quoque veluti scribundus aspirans ac tui pedisequus facile devenerim. Verum quia scriptum est non esse vitandam audaciam ne veritas relinquatur, polliceor nunc eam me pro virili semper tutaturum, ac pro ejus defensione, si quicquam contigerit, vitam ipsam profundere ad Dei omnipotentis gloriam, cui primum complacere debemus, deinde ad contemplationem bonæ voluntatis tuæ quæ, sicut umbra corpus, rectam rationem ac purgatam mentem sequi solet. Studium quantum potui adhibui, ut etiam multorum hominum judicio hæc nostra intentio comendetur ac probetur; cujus quidem rei fidem faciunt subscriptiones quas Domino Ricardo exhibui, qui plane in tuis negotiis peragendis mihi visus est oculatissimus ac prudentissimus; eidem quoque in posterum novas alias probatorum virorum subscriptiones, tradam. Sed orator tuus prothonotarius Joannes Casali a me tuo nomine conclusionem nostram manu meâ scriptam petiit, Majestati tuæ potentissimæ transmittendam, quam illico ejus fratri Domino Paulo tradidi; postea vero, paucis interpositis diebus, mihi rettulit eundem oratorem tuum eam ad Pontificem misisse; et de hæc re non medioeris me timor invasit, ne mihi mali aliquid contingat. Cupio igitur certior fieri an præfata mea conclusio

ad regias manus tuas pervenerit. Scripta mea, quæ conclusionem nostram corroborant et probant, in præsentia non mitto, tum quia indigna videntur tanti regis, ac doctissimi et sapientissimi judicis inspectione, cui in literarum peritiâ ac rerum gerendarum gubernatione parem invenire difficilimum est, nedum superiorem, tum etiam quia nondum subtiliori limâ exulta nunc sunt atque perfecta. Cum vero extremam manum adhibuero, curabo Majestati tuæ invictissimæ transmittenda. Quam optime valere plurimum exopto.

Ex Venetiis, die 2 Junii, 1530.

Ejusdem Vestræ Majestatis Invictissimæ

Devotissimus servus, Frater

Thomas Omnibonus.

Venet. Prior et Regens constitutus Sanctorum Joannis
et Pauli Venetiarum ordinis prædicatorum.

Invictissimo Regi Angliæ.

Number CXIX.

Draft of a letter²² from Bryan to the king, written in June 1530, giving an account of his interview with the pope on Saturday, June 16th.

Record
Office.

PLEASETH it your highness; by our common letter in Latin sent now by this bringer, and by a letter in Latin of the 13th day of the last month, written with my lord of Woorcetter's hand, and subscribed by mine; and also by an[other] in Latin of 23rd day of that same, sent by my lord of Woorcetter, Mr. Gregori, and me, your highness shall understand fully and at length what hath been done by the emperor's agents for the queen here, since my coming hither in your grace's great cause, for the innovation of process, and what travail and difficulty we had to stop it. And sir, for my part, having a special regard to that your highness commanded me in your instructions sent last to my lord of London, that I should be ware at my being here, and vigilantly regard that nothing should be done or pass here, that shall be to the innovation of any process, or otherwise prejudicial to your grace's purpose; God is my judge, I omitted nother time, nother occasion, that might confer to the same. And from time to time I did solicit it as much as my life had lain upon it, as well myself alone, at such time as my lord of Woorcetter was deceased, as with him and Mr. Gregory after his arrival here. And for because at such time as I was with the pope's holiness alone for the solliciting of your grace's matter, many things he shewed unto me which his holiness did not communicate to the other for your grace's matter, I do therefore write them apart in this letter to your highness. The Saturday²³ next following Corpus Christi day

²² This letter is full of erasures and alterations very carelessly executed. The text gives the readings which the writer appeared to intend should stand, but which from want of time he did not copy. The draft

was probably sent to the king in the state in which it now is.

²³ The date of this letter is probably June 18th, 1530. Corpus Christi day fell on the 16th of June this year.

I went to the pope alone (for at that time my lord of Woorcetter was deceased); the morrow after Corpus Christi day the emperor's ambassador [came unto the] pope, and at that time with great exclamations had obtained that the pope should send for Capasuke, and that his holiness should declare unto him that notwithstanding his commandment, that his pleasure was that he should proceed in the queen's cause according to justice; for he might not lette justice, as herein we have written at large in our common letters of late now sent to your highness. My lord of Woorcetter and I having knowledge hereof the morrow after, which was Saturday next following Corpus Christi day, I, because my lord of Woorcetter was deceased, went also alone to the pope, and did lament of his holiness that he did vary from the order that he had taken with Capasuke but three days before, saying that [of] this variation no other thing might be conjectured but delusion, and of that, many others inconvenients might follow, which at length we have written in our common letters. And at last, after that his holiness had resolved himself what he would do for the stopping of the emperor's ambassador that he should not follow the process, which resolution your highness shall perceive at large by our said common letters, his holiness fell into communication of your matter and said that Mr. Maius, the emperor's ambassador, shewed him that there was many of the emperor's council here, as the friar which is the emperor's confessor which is now a cardinal here resident, and other, conjectures and fears that my lord of London's tarrying at Bonony and going to Venice was for no other purpose but to get as many opinions of the divines as he and other of your grace's ministers, being about Venice, could get betwixt this and September. And then those had their fears lest your highness would by the authority of them, not regarding the judgment of the church, attempt somewhat there *de facto* in prejudice of the queen; for the which his holiness shewed me, as he thought, the Cesarians were so quick to have process. Howbeit, his holiness said that the said Mr. Maii, the emperor's ambassador, said that he never feared no such thing. For he said there be in this matter many articles, amongst the [which] one is, that the queen was never known by your highness' brother, prince

Arthure, and the trial of this article must be by process and order of the law, and for the proof of it, whether the law would that your grace should prove that she was known or the queen should prove that she was not known, he committed him to the law. And the queen should do herein that the law would; but what the law would, he would not say at that time. And that upon the trial hereof depended the whole matter. I shewed his holiness as concerning my lord of London's tarrying at Bonony was for no other, but I said that your [highness] had appointed that he and [I] should have come thither unto his holiness, as his holiness knew right well by your highness' letters which I delivered unto him, but because he was sickly, and at the time that I departed was sick indeed, so that they could not come, he was compelled to tarry behind. And as touching the seeking of the opinions of divines, I said that your highness doth desire to have their opinions to the intent that your grace may²⁴ the truth in this matter to the rectification of your conscience and justification of your cause to all the world. And as concerning the trial of the article that Mr. Maius spake of, I said, if the law would that your grace should prove *carnalem copulam inter principem Arthurum et Reginam*, the proof thereof was very easy; for all the world, that is come in Ynglond, knoweth that prince Arthur and she lay together many nights; which I said was proved before his holiness' legates there the last year. To that the pope said that the emperor's ambassador spake of the deposition of those witnesses that were received before the legates, and said because they were received *post*. And though he be now recovered²⁵, yet he feared how to come hither now for the intolerable heat which might provoke him danger of his life.

²⁴ The word *know* or *ascertain* has been altered and part of the word *recovered* has been scratched out, shewing what the writer meant.

²⁵ *received* is written, but the sentence has been altered and part of the word *recovered* has been scratched out, shewing what the writer meant.

Number CXX.

Holograph letter from Francesco Georgio to the king, stating that he had been summoned to Rome by the pope, and that he hopes not to be less useful to the king. Written from Venice, June 21, 1530.

INVICTISSIME Rex.

Record
Office.

Ultra ea quæ novissimis litteris meis multa credidi Majestati tuæ, hæc quoque significanda duxi. Cum hic aliqua occurrerint, ut præfatis libris intimavi, et latius explicabunt ministri Majestatis tuæ, Reverendissimus Dominus Londinensis et Dominus Crocus, quæ perturbârunt negotium tuum et tristes nos redidere, quia conducere tamen non poteramus eo felici successu quo obtabamus, dispositione divinâ factum existimo ut summus Pontifex per breve quod viderunt præfati Domini, accersiret me ad præsentiam Sanctitatis suæ, usurus ut ait meâ operâ. Quo accedam, non minus ut spero profecturus causæ tuæ quam hic degens. Ubicunque enim fuero, Majestas tua invictissima me semper habebit in servum fidelem, et utinam prudentem, cum jam semel ei me dedicaverim. Omnia fideliter explicavi præfatis fidelissimis ministris tuis, a quibus rem latius habebit. Verum multum faceret, Serenissime Rex, ad causam Majestatis tuæ impetrata larga venia a Pontifice, quia omnes promptiori et apertiori animo venirent in sententiam, et ego etiam ibi Romæ liberius et efficacius agerem. Hoc tamen mihi superest ut commendem me Invictissimæ Majestatis tuæ. Vale.

Venetis, 21 Junii, MDXXX.

Ejusdem Majestatis tuæ

Servulus, frater Franciscus Georgius,

Ordinis minorum de observantiâ.

Regi, etc.

Number CXXI.

Croke's holograph letter to the king, from Venice, accompanying the letter of June 22, printed in State Papers, vol. vii. p. 241.

Record
Office.

I BESEECH your highness to pardon me that I dare be so bold to trouble your noble grace with so long letters, and desire the same to take the pains to hear them read there yourself. But the case standeth so that unless your highness itself vouchsafe to hear the whole tenor of them, I shall never have remedy of the great impediments that sotelly are daily contrived to hinder my endeavour in advancing of your most honourable causes, nor be ascertained whether the seven letters, the which at sundry times I have sent unto your highness, concerning as well the well-handling as evil-handling of your causes here, be come unto your highness' hands or not. And albeit gracious lord, I have reserved a copy of all things sent, yet my fear is the more because I sent with each of the said letters divers other writings and letters of importance, the which it behoved not your highness for much money to lack the knowledge of. And this is the cause of my desire now, beseeching our merciful Saviour Christe continually to have your most noble grace in his most royal protection.

At Venice the 22nd of June.

The letters the which my desire is that your highness would take pains to hear read follow in the next page.

Your most humble servant,

Richarde Croke.

Number CXXII.

*Holograph letter²⁶ from Callistus to Croke, excusing himself
for not doing more in the case.*

MAGNIFICE et præstantissime Domine mi plurimum obser-
vandissime, post commendationes. Record
Office.

Cum parum post Dignationis vestræ ab urbe Veronâ recessum, vectus fuerim huc usque extra civitatem opidatim seu potius per magalia sive mapalia, Reverendissimum Dominum episcopum Veronensem suam diocesim visitantem sub solis ardoribus continue associarer, non potui negotio (de quo veris affatibus nos fuimus colloquuti) aliquo modo incumbere. Iccirco si dubiorum, vel mentis meæ cum his præsentibus non transmitto resolutionem, mi placeat æquo animo excusare, nec velit (quod in mediis gero cordis aditis) aut oblivioni ascribere aut negligentiae ulli meæ; et minus dubitet quod alicujus præter episcopi præfati Domini mei habeam aliquam rationem. Sed ad quod quæso, mi Ricarde observandissime, præfata Dignatio vestra evenit pro hauriendâ aquâ ad minimum rivulum, postquam (sicut ex illiusmet nudius tertius accepi literis) habet lymphidissimos et uberrimos excellentium gymnasiolorum fontes, ex quibus sitis facile placari immo extingui potest. Præterea si inter tot et tanta ingenia transcendentia scripsero, absque dubio sum futurus graculus inter olores; nec erit nisi solem facibus superfluis adjuvare. Non possum esse diutius cum illâ, quia sum plurimis occupationibus circumseptus; cum plus otii nactus fuero ad illam (quæ in utroque homine feliciter valeat) longius exarabo.

Ex Veronâ, primo Julii, MDXXX.

Ejusdem Dominationis Vestræ

totus Callistus, Juris utriusque Doctor

et in ecclesiâ Veronensi vicarius Generalis.

²⁶ This document is on one leaf, endorsed in Croke's hand,—“The copy of Doctor Callistus' letters, Vicar-general to the bishop of Verona.”

Number CXXIII.

Holograph letter from Simon Ardeus to the king, informing him of his services in getting the opinions of the divines of Padua in his favour.

Record
Office.

CLARISSIMIS solertissimisque nunciis Regiæ Majestatis tuæ, Reverendissimo Londoniensi præsule ac Domino Ricardo id mihi significatum quod summopere expetis, Henrice regum potentissime, ut tibi satisfacerem, me viresque meas naviter ad id negotium appuli, rationi consonum fore arbitrans ut quilibet tanto principi obsequatur et faveat. Universitatem sacrorum Theologorum immediate commovi, doctores omnes tibi gratos reddidi, in cunctisque gratiose benivolos, ut in eorum determinatione clarissime patet; Nedum pro honore invictissimæ Majestatis tuæ hoc facere sum paratus sed quicquid arduum, quicquid difficile mihi fuerit impositum, nunc et semper constanter ac fideliter attemptabo. Cui, uti humillimum servum decet, post tanti regis adorationem humiliter me commendo.

Paduæ primo Julii, M^oD^oXXX^o.

Tuæ Regiæ Majestatis indefessus orator

Simon Ardeus.

Venetis Ordinis minorum in almâ Achademiâ
Patavinâ Theologiæ ordinarius.

Invictissimo ac potentissimo regi Angliæ.

Number CXXIV.

Holograph letter from Simon Ardeus to the king, stating that the doctors of the University of Padua were unanimous in his favour.

QUOD dudum desideravit Regia tua Majestas, perfectum tibi misi opus, non meâ minus operâ quam Leonici, viri mediis fidius solertissimi, tuæque Majestatis amantissimi industriâ summâque diligentia confectum; qui quidem in re hâc non secus ac si res sua propria ageretur laboravit, die noctuque hujusce doctores Universitatis ut in tuæ Majestatis decus elaborarent cohortando; quibus utique factum est ut omnes quidem unanimes in sententiam, eamque verissimam, atque Cristianæ fidei maxime congruam ierint. Tua igitur potentissima Majestas instrumentum superinde confectum accipiet, quod a me, Reverendissimo Londoniensi Dominoque Ricardo exhibitum fuit, meque et Leonicum laboris mei participem commendatum habebit. Et si quid aliud erit quod tuæ Serenissimæ Majestatis causâ ullo umquam tempore efficere potero, nunquam me eidem defuturum promitto. Quæ diu felicissime valeat.

Record
Office.

Paduæ die Julii MDXXX^{mo}.

Ejusdem Regiæ Majestatis tuæ
indefessus Orator,
Simon Ardeus.

Venetis Ordinis minorum in Patavino gymnasio
Theologiæ ordinarius.

Invictissimo potentissimoque Regi Angliæ.

Number CXXV.

Holograph letter from Croke to the king, expressing his fears about the miscarriage of his letters.

Record
Office.

PLEASE it your highness to be advertised that this present morning came unto prior Thomas unto his cell wherein I am lodged, the emperor's great ambassador, accompanied with a great many gentlemen of Spayne, and demanded of him how he durst be so bold to take upon him to intermeddle in so great and weighty a matter, the which did not only enlessen and elevate the pope's authority, but also was noyful and odious to all realms Cristenyd. And for the proof of the same, he alleged the great love and favour which the queen's grace had for her excellent virtue throughout all England as well of the nobles as of all the commons. Moreover he said unto the said prior that if this conclusion should take effect, many of the greatest princes of Christendom should be disherited and taken for bastards; accounting in this last as well the emperor as the king of Portingal. Unto the which his saying, when the friar had made answer, that he wrote but his conclusion according to the minds of holy saints and doctors of the church, and that at the writing, he was ignorant that this should be the causes of your highness; he, the said ambassador, said that he could not be ignorant, for his letters unto your highness, promising earnestly the defence of this your most high cause, was, he said, in his purse. The which he then did not shew. But if it be so, gracious lord, that he hath not this letter, I marvel how he should come to the knowledge of this letter, nor cannot guess that it should be otherwise but by advice out of England. Again, if he have the letter indeed, I am driven to fear, lest many other things have miscarried; the danger whereof might right well have been avoided, if there had any advice been made to me out of England these four months. Howbeit gracious lord, forasmuch as I ever delivered my letters directed to Mr. Tuke other to the master

of the posts in Venice, and gave him money for the assurance of their safe conveying into England, or else to Edmond Harwel, to be by the Belgers in Flaundres conveyed to Hierome Molyns, being correspondent factor unto the Belgers for Mapheus Bernardus of Venice, under whom they occupy, I conjecture that the emperor's ambassador hath the conclusion the which friar Thomas delivered of his own hand to your highness' ambassador, Jhon Cassalis. And that your highness may see that I mistrust not, of nothing, I have the letters of Gregorye's own hand, by the which he confesseth that he embecilled the seal of the universities of England. The copy of the which letters I send unto your highness here withal. Beseeching your most royal clemency to remember my poverty, and to give straight commandment that I be not destitute nother of money nor of advice from time to time, for the better advancement and prosecution of your most gracious causes. For if I have not provision aforehand, (considering that I have nothing in a manner of myself,) it is not possible that I may maintain my most faithful and truly entended diligence in your highness' causes, to the convenient advancement of the same. And thus the most blessed Trinity have your highness always in his most royal protection.

In the barge in post from Padua to Venice, the 4th of July.

Your most humble servant,

Richarde Croke.

PLEASE it your highness to be advertised that after the clausure of these letters I spake with the ambassador Cassalis, and he shewed me certain letters, copies of letters sent out of England of late unto him; and said that he was advised by Grony his servant, that unto the said Grony your highness should speak words of challenge, as well against Sir Gregory as him; and that your highness afterward should command the duke of Northfolke to charge the said Grony to make no advice of your highness' words to them. Thus the ambassador told me twice his own mouth. I assure

your highness I and my fellows by advice of them that are about you, are here put in great danger, and your causes marvellously empeched, as my lord of London can shew you, the which is in more fear and in as great danger as any of us.

To the king's highness' hands²⁷.

²⁷ Enclosed is a copy of the letter dated from Monticello, 9th April, 1530, endorsed in Croke's hand *Copia litterarum Gregorii ad fratrem ex quibus constat illos subduxisse*

nobis sigilla et litteras Academicarum Anglicarum concludentium pro rege. The enclosure is beautifully written in an Italian hand.

Number CXXVI.

Enclosure in the preceding letter detailing the dates and giving descriptions for identification of the letters Croke had written from Italy in the spring of 1530. July 4, 1530.

THESE be the letters delivered to Edmond Harwel, to be delivered to Mr. Tuke:— Record Office.

Quattuor ex quo in Italiam veni, etc. Datæ 11 Marcii. Datæ ad Tuscum per Belgeros.

In moste humble and lowly wise, etc. Aprilis 13, per Harwel, Hieronimo Molins.

Mitto ad Celsitudinem tuam, etc. Datæ 23 Aprilis, Hieronimo Molyns, per Harwellum.

Invictissime et potentissime princeps. Date Maii 15. Authore Herwello Ludovico cursori inscriptæ ad Majestatem tuam.

Please it your highness to be advertised that in my presence, etc. Datæ Bononiæ, 26 Maii, Domino Londoniensi electo.

Please it your highness to be advertised that above the number. Datæ Patavii, 30 Maii. Magistro postarum Vene-
tarum cum pecuniâ pro certitudine perferendi.

Please it your highness to be advertised that I have sent unto the same sundry letters. Datæ Veneciis, 22 Junii. Ma-
pheo Bernardo Veneto qui eas misit ad Hieronymum Molyns.

By Smithe, Mr. Baley's the alderman's servant.

Please it your, etc. that as this day I obtained the common seal of the university of Padua. Venetiis, primâ Junii.

Please it your highness, etc. that this present morning came to prior Thomas, etc. the emperor's ambassador. Datæ in cymbâ a Paduâ, 4 Julii.

Endorsed:—The copy of all letters that I have sent unto the king's highness, since the 4th day of April, with the beginnings and dates of every one of them.

Number CXXVII.

*Cranmer's book in favour of the Divorce.**Elenchus contentorum in hoc volumine.*Vespasian,
B. v.

Articuli duodecim, quibus plane admodum
demonstratur, divortium inter Hen-
ricum octavum Angliæ Regem
Invictissimum et Serenissi-
mam Katherinam,
necessario esse
faciendum.

Articulus primus.

Affinitas quæ divino et naturali jure impedit ne matrimo-
nium contrahatur, et contractum dirimit, solo nuptiali fœdere
inducitur.

Articulus secundus.

Substantia matrimonii, verum, perfectumque conjugium solâ
conjugali pactione, et non carnali copulâ, efficitur,

fol. 2.

Articulus tertius.

Vir et uxor solo fœdere conjugali, Deo in primis operante,
una mens et una caro fiunt.

Articulus quartus.

Carnalis copula, affinitatem solo jure ecclesiastico repertam
inducit.

Articulus quintus.

Affinitas, solo carnis concubitu orta, sanctione humanâ
solum impedit, ne matrimonium contrahatur, et contractum
dissolvit.

Articulus sextus.

Carnalis copula, matrimonium necessario reddit consummatum.

Articulus septimus.

Potest matrimonium carnali copulâ consummari, etiam uxoris virginitate irrecuperabili non amissâ.

Articulus octavus.

Serenissimam Katherinam ab illustrissimo principe Arthuro relictam virginem fuisse, non affirmamus.

Articulus nonus.

Serenissimam Katherinam ex indiciis quamplurimis attestantibus, et violentam præsumptionem indicantibus, ab eodem illustrissimo principe Arthuro corruptam atque matrimonium inter eos consummatum fuisse, non dubitamus.

Articulus decimus.

fol. 3.

Serenissima Katherina, præsumptione violentâ hujusmodi constante, virginitatem suam, juramento præsertim publico, probare nequit.

Articulus undecimus.

Judex, eandem Serenissimam Katherinam, super eâ causâ, jurare volentem, ad juramentum jure quidem admittere non potest.

Articulus duodecimus.

Henrici octavi Angliæ Regis invictissimi, et Serenissimæ Katherinæ prætersum matrimonium, lege divinâ et naturali prohibente, nullum omnino fuisse, neque esse posse censemus.

Articuli duodecim, quibus plane admodum
demonstratur, divortium inter Hen-
ricum octavum Angliæ Regem
Invictissimum et Serenissi-
mam Katherinam
necessario esse
faciendum.

Articulus primus.

Affinitas, quæ divino et naturali jure impedit, ne matrimo-
nium contrahatur, et contractum dirimit, solo nuptiali fœdere,
inducitur.

fol 4.

Articuli primi demonstratio.

Non me latet theologorum atque juris Pontificii professorum
communem esse opinionem, ex copulâ carnali licitâ pariter et
illicitâ, oriri affinitatem, a quorum approbatâ opinione, dis-
sentire nephas esset, nisi autoritate perspicuâ et efficaci ratione,
ea convinci posset. Esset enim temeritas non mediocris, com-
muni doctorum opinioni non solum velle absque ratione con-
tradicare verum etiam hujusmodi quæstionis non dubiam intel-
ligentiam demonstrare. Ne igitur, hoc crimine accusemur,
Matt. xx. salvatoris Jesu Christi præceptum imitati, ea quæ humilitatis
aure ab eo accepimus, constanti animo palam prædicantis, non
modo externa, verum et theologia maxime, Pontificiaque jura
propositum confirmantia, in medium fideliter adducemus,
doctorum ecclesiæ sententiis, atque sanctarum scripturarum
oraculis, illa munientes, eo mentem et calamum dirigente, qui
librum in manu suâ tenens apertum, in potestate habet, scrip-
turarum penetralia in se credentibus manifestare. Hujus
igitur primi articuli sensus, clarioribus verbis, ita aperiatur.

Articuli
primi sen-
sus.

Affinitas quæ divino et naturali jure impedit, ne matrimonium
contrahatur, et contractum dissolvit, aut solo conjugali fœdere,
aut carnali copulâ, virtute tamen pactionis conjugalis, usque
adeo semper inducitur, ut ex solâ carnali copulâ, sine conjugali
fœdere, nulla hujusmodi contrahatur affinitas. Itaque veri-
tatem, veritatis amatores, quoad ejus fieri potest alacriter
introspeciamus, quando charitas præsertim, ob veritatem sem-

per gaudet, irritatur nunquam, et quæ pacis sunt nonnunquam sedulo quærit. At vero ut veritatem hujusmodi amplectemur pium lectorem humiliter, obnixque precor ut seipsum Sanctis Scriptis, rationibus, et patrum decretis, non autem ea, proprio sensui accommodet. Adeamus ergo ante omnia lympidissimum Scripturæ Sanctæ fontem, cum puteus ille, omnium rerum contineat veritatem, et altissimus sit, et Davidem Rēgem fol. 5. senio fractum, cum Abisac Sunnamite puellā virgine speciosā matrimonium contraxisse percipiamus. Erat enim puella pulchra nimis, inquit scriptura, dormiebatque cum Rege, et 3 reg. ii. ministrabat ei. Rex vero non cognovit eam. Quam sane post Davidis obitum, Adonias ipsius Davidis filius, sibi dari petens uxorem, contra animam suam inique id postulans, mortis supplicio, jure optimo punitus est, tum, Lyrano teste, quoniam Adonias, ipsius Abisac Reginæ viduæ auspicio, contra Salomonem aspirabat ad regnum, tum maxime quia adversus divinam legem, plane prohibentem, ne filiorum quispiam cum defuncti patris uxore, matrimonii fœdus inire præsumat, nuptias celebrare nitebatur. Neque Lyranum arbitreris, proprio sensu, absque solido divinæ legis fundamento, eum Scripturæ locum ita exposuisse. Animadverterat enim, non solum id quod in Levitico scribitur, *Turpitudinem uxoris patris tui* Lev. xviii. *non discooperies, turpitudine enim patris tui est*, et alio in loco. *Omnino auditur inter vos fornicatio, et talis fornicatio, qualis* 1 Cor. v. *nec inter gentes, ita ut uxorem patris sui aliquis habeat*, verum etiam et illud magis, quod in Deuteronomio clarius explicatur, Deut. xxii. *Et non accipiet homo uxorem patris sui, nec revelabit operimentum ejus*. Quibus verbis, liquet manifeste filio non licere, ejus novercam ducere uxorem, ob affinitatem inquam divino et naturali jure, inter novercam et filium ortam, impediētem. Hinc quemadmodum Adonias, post obitum patris, legitime, non poterat Bethsabee, ejus novercam ducere uxorem, ita nec Abisac. Erant enim ambæ illi novercæ, Haggith vero ipsius Adoniæ uterina mater existens, tres Davidis legitimæ uxores. Neque humanum illud commentum huic veritati obesse poterit, fol. 6. quo dicitur, filio non licere novercam a patre cognitam accipere Cavillum. uxorem secus autem intactam, quandoquidem absolute, et omni dubio procul Scriptura dicit, *Et non accipiet homo uxorem* Cavilli solutio. *patris sui*. Sive enim uxor a patre sit cognita, sive intacta, modo conjugali fœdere sit ei copulata, semper vera uxor

3 reg. ii.

fol. 7.

efficitur, uti inferius latius explicabitur, cum quâ filio nuptias celebrare nephas est, veluti de Adoniâ ipsam Abisac a patre intactam, uxorem petente, Scriptura ait, *Contra animam suam locutus est Adonias verbum hoc*. Et ut veritas hujusmodi inconcusso Scripturæ testimonio, et non voluntariis mortalium glosulis, veritatem ipsam quandoque depravantibus, magis, ac magis inlarescat, literam literæ conferamus, quando præsertim, abysus abysum invocat, et ad unius Scripturæ intelligentiam, alterius Scripturæ allata profunditas plurimum juvat. Neque ea verior interpretatio esse potest, quâ, litera literam exponit, cui omnis humana inventio et commentum merito cedere debet, et audiamus quidnam in eodem capite Deuteronomii Scriptura dicat,—Si dormierit vir cum uxore alterius, uterque morientur, id est adulter et adultera, et auferes malum de Israel. Si puellam virginem desponderit vir, et invenerit eam aliquis in civitate, et concubuerit cum eâ, educaas utrumque ad portam civitatis illius, et lapidibus obruentur, puella, quia non clamavit, cum esset in civitate, vir, quia humiliavit uxorem proximi sui, ut auferes malum de medio tui. His Scripturæ verbis, luce clarius, videri potest, eandem pœnam his omnino fuisse adscriptam, qui sponte adulterio simul fœdabantur, sive nupta mulier, a marito ejus fuisset prius cognita, sive intacta, quando eâdem lege adulterii pœna hujusmodi, seorsum illis assignatur, adjunctâ etiam pœnâ, quâ adulter desponsatam vi opprimens, solus punitur, et deinde aliâ, quâ, virginem nondum desponsatam stuprans, erat obnoxius, uti eo in loco, scienti legem facile est intueri. Neque voluntarium super hoc Scripturæ passu, addendum est commentum, veluti lex hæc et literæ textus ad sponsalia illa, quæ pactione de futuro fiunt, sit referendus, quoniam sponsalibus hujusmodi, humanâ sanctione solum, et non divinâ lege, inventis, nulla mulier uxor efficitur, sed illis, futura uxor duntaxat promittitur, quæ dum ita se habet, homini extraneo mixta, non adulterio, sed simplici tantum fornicatione maculatur, et Hebraicus textus præsertim simul et Chaldeus atque Septuaginta interpretes conformi sententiâ cum Hieronimi translatione sic habent, *Quia humiliavit uxorem proximi sui*. Eo fit, ut mulier solo conjugali fœdere viro juncta, et ab eo nondum cognita, infallibili Sanc-tarum Scripturarum veritate, et uxor esse comprobatur, et læso maritali fœdere, adulterio fœdatur, et cum adultero adul-

terii pœnâ haud dubie plectitur. Quod si nupta mulier a proprio viro intacta, thoro tamen viri extranei, nullo propinquitatis genere, ejus marito attinentis, sese prostituens, adulterio polluitur, nonne, si ipsius mariti *mariti*²⁸ filio, aut fratri commisceatur, incestûs scelere fœdabitur. Nam si divinâ et naturali lege, carnalis concubitus, qui fœdere conjugali secluso, simplex tantum fornicatio esset, propter tamen conjugale fœdus, fornicationis speciem varians, cum homine nullo propinquitatis genere, marito uxoris attinente, adulterium inducit, cur ejusdem uxoris concubitus, cum homine certo propinquitatis genere, marito ejusdem uxoris attinente, cum fol. 8. ejus filio, videlicet, aut fratre propter idem fœdus conjugale solum, incestum fornicationis speciem, adulterio deteriore, non adducet? quando præsertim, sicut adulterium, cognitæ, aut intactæ uxoris proximi, abusus est, ita incestus, consanguinei uxoris intactæ, aut cognitæ, abusus esse omnino censetur. Est enim filius patri consanguineus, et frater fratri. Et si alter alterius uxore intactâ abutatur, nonne consanguinei uxore abutetur? quæ alterius consanguineq facta est uxor, non quia ab eo cognita, sed quoniam fœdere conjugali fuit illi sociata. Propter quod fœdus conjugale, si uxor extraneo viro misceatur, adulterio fœdatur, ita mariti consanguineo concumbens incestu maculatur. Unde Scriptura, non absque misterio, adscriptâ pœnâ, uxori cognitæ necnon et intactæ, in adulterio deprehensæ, ad calcem ejusdem capitis Deuteronomii, continuo subinfert, *Et non accipiet homo uxorem patris sui*; ac si lex ipsa plane concludat, quoniam adulterium cum proximi uxore cognitâ, aut intactâ quispiam perpetrare posset, quod tamen, ut nullo modo committat, divinâ et naturali lege prohibetur, ita pariter, quoniam ejus novercam a patre quandoque cognitam, interdumque ab eo intactam aliquis ducere posset uxorem, ideo lex, utroque modo simul id prohibens, ait, *Et non accipiet homo uxorem patris sui*. Neque ab re, illa conjunctio, et, a Scripturâ ponitur. Cum dicit, *Et non accipiet*. Non enim dixit, *Non accipiet*, verum ait, *Et non accipiet*, ut forma conditioque præcepti, cum præcedentium præceptorum consimili formâ et conditione, eâdem lege simul contineri et expressa fuisse cognoscatur. Vana est igitur illorum conten-

²⁸ The second word *mariti* is underscored by some contemporary reader who has observed the mistake of writing.

tio, quâ, dicunt, de novercâ a patre cognitâ solum, et nullo quovis modo de intactâ, id præceptum omnino esse intelligendum.

fol. 9. Nam aliud legis simile præceptum, quo videlicet sancitum est,

Exod. xx. *Non adulterabis*, seu *non mæchaberis*, tibi statuam in medium, quod quidem cum absolute a Scripturâ ponatur, non de uxore ab ejus marito cognitâ tantum, verum etiam et de intactâ simul necessario est intelligendum, alioquin et lex legi tunc, et præcepto præceptum plane contradiceret, quod nullus profecto mentis et fidei sanæ ausit asseverare. Quemadmodum igitur unico hoc præcepto, *Non adulterabis*, proximi uxor intacta simul et cognita interdicitur, ita eo præcepto, *Et non accipiet homo uxorem patris sui*, noverca a patre intacta simul et cognita prohibetur, uti *clarius*²⁹ cunctis, luce clarius, Scripturam recte scrutantibus, constare potest. Et quod de filio, ad ejus novercam intactam dicitur, ita de fratre, ad glorem, id est, fratris uxorem intactam, atque de singulis, idem affirmo, de quibus Levitica lex jure divino et naturali mandat et prohibet. Neque ad carnalem conjugum copulam aspicias, ac si in eâ turpitudine illa solum existat, aut ex eâ tantummodo effluat, quâ in lege dicitur, Turpitudinem patris aut fratris tui non revelabis, quia turpitudine, patris aut fratris tui est, existimans in novercâ, a patre intactâ, aut in fratris uxore ab eo incognitâ, nullam patris, aut fratris turpitudinem constare aut ex eis emanâsse. Falleris profecto, fallerisque plurimum, quandoquidem incestuosi connubii prohibitio, non carnalem copulam, sed matrimonii contractum speciatim respicit et unice spectat, quem Deus vetat et prohibet, Scripturâ testante, *Et non accipiet homo uxorem patris sui*. Enimvero, si nuptiarum fœdera inter consanguineos et affines Deus admitteret, nonne illis tunc phas esset, mutuis potiri amplexibus? Ex privilegio enim et dispensatione seminis suscitandi, divinâ gratiâ Hebræis concesso, nonne superstes frater, ad præmortui fratris uxorem, ab eo cognitam veluti et intactam sanctissime ingrediebatur? Nam et a mundi quoque exordio Cain cum ejus sorore concumbens, incestum non commisit, quia matrimonii vinculo, divina virtus illos conjunxit. Propterea et in conjugalis fœderis verâ unionem, et in carnis conjugum sincero concubitu, nulla turpitudine, aut fœditas prorsus existit, quando maritalis usus, et justitiæ et pietatis et latræ simul et chari-

²⁹ This word has also been marked for omission.

tatis actus esse, atque plurimum penes Deum mereri potest. Nascitur ergo fœditas illa et turpitudine, non ex carnali copulâ, vel conjugali fœdere, sed quia naturali et divinæ prohibitioni, humanæ voluntatis temeritas contravenire non formidat. Hinc si fratris uxori, vel novercæ, cognitæ jam, aut intactæ quovismodo nunc conjungi quispiam præsumpserit, incestûs scelere fœdabitur, quia Deus prohibet, ne alteri quidem ab altero affine mutua proprii corporis potestas dono tribuatur. Nam frater et soror propterea nuptias una celebrare non possunt, inquit Joannes de Turre Cremata, quia corporum suorum potestatem vicissim condonare non valent, sicut nec possunt, legitime simul commisceri. Si enim possent mutuam utriusque corporis potestatem donare, licite tunc possent et carnalem copulam simul exercere. Carnalis enim copula et commixtio, humanæ generationis instrumentum est, quæ licite fieri nequit, nisi mutua corporum donatio legitima præveniat. Plus ergo est matrimonium contrahere, quam matrimonio uti, aut citra matrimonium affine vel consanguineo abuti. Propterea, non solum affines carnali commertio simul abutentes, verum et conjugale fœdus inter seipsos tantummodo inire attentantes, teterrimo incestûs crimine, Deum gravissime offendunt, eâ inquam affinitate, non ex carnali amplexu, sed conjugali fœdere ortâ, divino et naturali jure eos quidem ne matrimonium simul contrahere possint, impediens, Scripturâ dicente, *Et non accipiet homo uxorem patris sui*. Uxor enim intacta, veluti et cognita, marito uxor esse censetur. Et modo conjugali fœdere, devincti sint conjuges, et mulier viro uxor effecta est, et vir uxori factus est maritus. Vir enim proprii corporis, mulieri præbens potestatem, maritus efficitur, veluti et mulier ipsius proprii corporis, viro donans potestatem, uxor effecta est. Ideo vir corporis sui potestatem non habet, sed mulier, inquit Apostolus, et mulier quoque corporis ejus³⁰ potestatem non habet, sed vir. Sunt ergo vir et mulier, conjuges, mulier uxor, virque maritus, non carnis quidem commertio sed conjugali fœdere, una mens effecti et una caro, uti meridianâ luce clarius, tertio demonstrabitur articulo. Et quemadmodum, solo conjugali fœdere, et non carnali copulâ, divino et naturali jure, verum atque perfectum inducitur conjugium, uti proximo declarabimus articulo, ita solo

27 q. 2.
Matrimo-
nium.

fol. 11.

2 Cor. vii.

³⁰ *sui* has been written over *ejus*.

conjugali fœdere, et non carnis concubitu, illa oritur affinitas, consanguineis viri et mulieris communicata, quæ divino et naturali jure, usque adeo impedit, ne matrimonium contrahatur, et contractum dissolvit, ut quando affines inter se conjugale fœdus tantummodo contrahunt, incestûs scelere maculantur, carnali etiam amplexu non subsecuto, veluti de Adonia, qui polluto ore solum, cum ejus novercâ Abisac intactâ, nuptias celebrare nitens, meritas dedit pœnas. Et ad hanc veritatem Gregorius Magnus pariter et Julianus Papa penitentes decreto sanxere, *Si quis desponsaverit uxorem, vel subarraverit, et sive die mortis præveniente, sive aliis irruentibus causis, minime eam cognoverit, neque ejus superstes frater, neque ullus de consanguinitate ejus ullo unquam tempore, eandem sibi tollat uxorem; quod si inventum fuerit factum, omnino separetur.* Quorum decreta de sponsalibus quæ pactione de præsentî in adultâ ætate fiunt, intelligenda sunt, uti glossæ decreti jam adducti, atque Joanni de Turre Cremata optime placet, tum præsertim cum decreti textus dicat, *Si quis uxorem, etc.*, quod quidem dictum, non de sponsâ, quæ pactione de futuro fit, nec de sponsâ, quæ pactione de præsentî in ætate non maturâ fit, intelligi potest; quoniam tunc mulier uxor efficitur, cum sponsalibus quæ pactione de præsentî, in utriusque conjugis adultâ ætate fiunt; verum duntaxat atque perfectum contrahitur matrimonium, tum etiam, quando sponsalia, quæ in futurum fiunt, humanâ tantum sanctione inventa, sponsalibus de præsentî, jure divino et naturali inventis, penitus dissolvuntur. Nam majus vinculum semper minori prævalet, et minus majori cedens, rumpitur fortiori, cum sponsalibus maxime, quæ pactione de futuro fiunt, neutrum conjugum corpus, in alterius potestatem transfertur, sed tantummodo promittitur, et quod viri promissum est, alteri quidem, sponsalibus his, quæ pactione de præsentî fiunt, donari potest. Ex quibus nuptiis et sponsalibus, carnis commertio etiam nondum consumatis, illa oritur affinitas, quæ jure divino et naturali impedit, ne matrimonium inter hujusmodi affines, contrahi possit. Nec immerito Juris periti, sacris literis in hoc innitentes, affinitatem ipsam ita describunt, Affinitas est propinquitas ex nuptiis proveniens, unde affines sunt viri et uxoris cognati, eâ ratione dicti, quoniam duæ cognationes inter se diversæ, per nuptias copu-

27 q. 2.
Si quis.

fol. 12.

27 q. 2.
Si quis.

§ de grad.
affinit. L.
non facile.
§ affines et
§ sciendum.

lantur, et altera, ad alterius cognationis finem accedit. Enim-
vero conjungendæ affinitatis causa, fit ex nuptiis, et nulla
cognatio, nullaque affinitas esse potest, ubi nuptiæ interdictæ
sunt, ex quibus affinitas contrahitur. Hinc et glosa, in verbo
ex nuptiis (§ affines,) si nuptiæ, inquit, sunt causa affinitatis, vir
et uxor affines non sunt, sed ceterorum affinium causa, Paulo
de Castro idem affirmante. Propria affinitas inquit, inter
mariti consanguineos et uxorem, ac inter uxoris consanguineos
et maritum contrahitur, ipsi enim affines non sunt, sed affini-
tatis principium veluti et Panormitanus, certam firmamque
regulam assignans, ait,—Inter consanguineos viri et uxorem
interque uxoris consanguineos et ipsum virum, quædam pro-
pinquitas contrahitur, quæ ideo affinitas appellatur, quoniam
extranea persona, ad alterius generationis finem usque pervenit,
et nulla quidem inter virum et uxorem oritur affinitas, sunt
tamen hii causa affinitatis. Et hæc affinitatis diffinitio, jam
adducta, non solum a Juris peritis, verum etiam a theologis
quibusdam, et Juris pontificii consultis posita est, a Joanne
Andræ præsertim, Antonio de Butrio, cardinali Zabarellâ,
et Panormitano. Quâ diffinitione, nihilominus non obstante,
aliam affinitatis diffinitionem Theologi simul et Canonistæ assu-
mentes, eam ita describunt, *Affinitas est propinquitas ex
carnali copulâ proveniens.* At quoniam carnalis copula,
non solum in conjugali thoro, verum etiam et in concubitu
illegitimo esse potest, ideo ex carnali copulâ licitâ et illicitâ,
ut aiunt, contrahitur affinitas. Et licet Theologi simul et Juris
pontificii professores, in hâc re pene omnes, manibus pedi-
busque in unam eandemque sententiam venire videantur, affini-
tatem, scilicet, ex carnali copulâ oriri, audiamus tamen non-
nulla eorum dicta, sententiam nostram comprobantia, quibus,
aperte nobiscum profitentur, affinitatem ex fœdere conjugali,
sine carnali copulâ, nasci. Ex his enim facile erit veritatis
scopum attingere. Et in primis, quidnam Thomas scriptum
reliquerit, adducamus. Matrimonium, inquit, affinitatem causat,
non solum ratione carnalis copulæ, sed etiam ratione societatis
conjugalis, secundum quam, matrimonium etiam naturale est,
unde affinitas, ex ipso matrimonii contractu, per verba de
præsenti, ante carnalem copulam, contrahitur. Quare Petrus
de Palude, ipsius Thomæ et Durandî in eâ re, recitans opi-
nionem, hujusmodi doctrinam nobis sparsim offert. Pollutio,

Affinitas
quid.
fol. 13.

L. cum ali-
ena C. de
legatis, et
L. quod
suus §
de condit.
câ Lata.

De con-
sang. et
affinit.
quod super.

Super ar-
bore affin.

De eo qui
cognovit
discretio-
nem.

Alia affini-
tatis dif-
fin.

fol. 14.

Libro 4,
dist. 4. 1,
q. 2, ar. 3.
con. 2. ad
primum.

Libro 4,
dist. 4. 1,
q. 2, ar. 3.
et in sol. ad
primum.

Libro 4.
tract. 9.
q. 91.

Libro
de Sacra-
mentis.
27 q. 2.
additur.

fol 15.

De eo qui
cognovit
serenitati
tuæ.
3 par. tit.
2. c. 21.

De eo qui
cognovit
serenitati
tuæ.

De eo qui
cognovit
serenitati
tuæ.

Libro 4.
dist. 4 i.

inquit extraordinaria, quâ semen viri, in debito vase non recipitur, sed circa pudoris claustra effunditur, affinitatem non causat, nisi maritali id fieret affectu, tunc enim ratione matrimonii et non copulæ, affinitatem causat. Nam affinitas effectus est matrimonii præcedentis, ex quo causatur. Et Guillelmus Altisiodorensis doctor antiquissimus ait,—Affinitas est attinentia, sive vinculum, ad personam ex matrimonio contracta. Guillelmo quoque Parrisiense, ita confirmante,—Affinitas, inquit ratione societatis et vinculi conjugalis inducitur, cum in ipso matrimonii contractu, per verba de præsentî, ante carnalem copulam, affinitas contrahatur, Joannes vero de Turre Crematâ, et Theologus æque et Juris pontificii professor eruditissimus ait. Dum mulier viro associatur, affinitatem cum viri cognatis, cui matrimonio conjuncta est, contrahit et vir quoque cum cognatis uxoris, non solum ex matrimonio carnis concubitu consummato, verum et ex matrimonio pactione solum de præsentî sine carnis admixtione, contrahitur affinitas ipsa. Et quamvis ex hâc sententiâ sacris locis conveniente, nulla prorsus oriatur difficultas, ex vulgatâ tamen Theologorum, atque Canonistarum opinione, quâ dicunt, affinitatem ex carnali copulâ oriri, usque adeo innumerabilibus involvimus difficultatibus, ut vix certo sciamus, quando, aut quomodo hujusmodi inducatur affinitas. Unde Innocentius Juris pontificii interpret atque Antoninus Florentinus, aiunt,—Si vir uxorem polluat, pudoris etiam claustra ingrediens, si tamen ad seminis effusionem minime perveniat, matrimonium consummatum non est, nec affinitas contracta. Cardinalis autem Zabarella, illis ex diametro contradicit. Si vir, inquit, extra pudoris claustra semen emittat, et semen ex se tantum uxoris pudenda ingrediatur, tunc et matrimonium consummatum est, et affinitas inducta, cujusdam Gallici hominis exemplo, jure expresso, usus, qui infractis claustris, cum ejus uxor arcta esset, viri tamen semine, uxoris claustra ingrediente, ex eo concepit uxor et peperit, veluti et Innocentius tertius, ex solâ pollutione, circa uxoris pudenda, nullo etiam viri semine uxoris claustra ingrediente, affinitatem oriri asseverat. Thomas vero et Albertus magnus, nisi intra pudoris claustra, inquirunt, utriusque seminis, viri scilicet, et mulieris commixtio fiat, neque affinitas contracta est, neque matrimonium consummatum. Non enim sufficit illorum opinione, alterius tantum

seminis effusio, quoniam ut aiunt, si vir frigidus mulierem ad seminis emissionem provocat, et illa tantum semen emittat, ex eo, nec matrimonium consummatum est, nec affinitas contracta, quoniam vir frigidus est, et semen emittere non valet. Idem quoque de muliere e contrario fatentes quoniam ad affinitatem contrahendam illorum sententiâ, necesse est, ut fol. 16. intra mulieris claustra, viri usque seminis fiat commixtio, Archidiacono pariter idem profitente. Quorum opinionem 35 q. 3. extraordinaria. plerique aliorum minime approbantes, ex solo viri semine in debito generationis vase suscepto, affinitatem contrahi affirmant, quandoquidem mulier ipsa, passive, ut aiunt hii, ad generationem tantummodo concurrit, et ei semen emittere non est opus. Tametsi Hostiensis et alii quidam, ad prolis generationem utriusque seminis, viri scilicet, et mulieris commixtionem necessario requiri fateantur, communi medicorum opinioni sese opposcentes. Vides igitur, ex his, qualia, quamque diversa, in re præsertim maximi momenti, solido Sanctarum Scripturarum fundamento posthabito, sunt hominum commenta, ut hujusmodi controversiis, discerni non possit, quando, aut quomodo vera, et de quâ dubitari non possit, nascatur affinitas. Quid enim de Christi et virginis ejus genitricis affinibus et consanguineis fateri possemus? quandoquidem absque virili semine et carnis concubitu, ex virgine semper beatissimâ, mente et corpore intactâ, atque inviolatâ, conceptus est Christus, Dei et hominis filius. Num est Maria virgo, vera Christi mater, et Sanctissimi Joseph vera, legitimaque conjunx, ex eo conjugio affines, veluti et ex eo conceptu consanguineos habens? At Scriptura forsân errores admittit, Christi affines, consanguineosque, atque inter Mariam et Joseph verum conjugium describens et affirmans? Nimirum, si dum divinas Scripturas negligimus, et humanis potius traditionibus operam damus, haud raro cecutiamus. Neque illa Theologorum distinctio, eorum pace dixerim, huic nostro officit proposito, quâ, dicunt, ex Sanctissimo matrimonii vinculo, inter virginem et Joseph, affinitatem duntaxat imperfectam fuisse contractam. Non enim Scriptura Sancta, hominum commentis fol. 17. dirigenda est, cum ipsa totius veritatis, infallibilis *veritatis*³¹ regula prorsus existat, quâ, Deus, prima veritas, omnem fidelibus aperit veritatem. Idcirco, cum Maria et Joseph indis-

³¹ The repetition of *veritatis* is marked for omission.

solubili vinculo et fœdere conjugali, veri sint conjuges, et alter alteri mutuam proprii corporis potestatem libere donârit, quemadmodum ex eo fœdere, et mutuâ utriusque corporis donatione, Maria, uxor Joseph effecta est, et Joseph, Mariæ maritus est effectus, ita inter consanguineos Mariæ et ipsum Joseph, et inter consanguineos Joseph et Mariam, adeo perfecta affinitas contracta est, ut eorum consanguineos sibi invicem communicârint, quando vir et uxor, conjugalis fœderis virtute et non carnis admixtione, totius affinitatis causa sunt et principium, uti superius declaratum est. Quo sane affinitatis vinculo, inter eos constante, e vitâ migrante Joseph, frater ejus Mariam virginem omnino intactam, in ejus uxorem ducere nequivisset, veluti, Adoniæ ipsam Abisac ducere non licuit, divino et naturali jure, ne hujusmodi nuptiæ contrahantur, omnino impediende. At beatissima quoque virgo, tametsi Christum, Deum et hominem, virili absque semine conceperit, quia tamen perfectiori modo ipsum concepit, et in virgineo ejus utero diutius fovit, quam ceteræ matres concipiant, et conceptus foveant, câ ratione, non modo miraculosâ, verum et naturalis Christi mater usque adeo effecta est, ut ei verius atque perfectius, matris ratio, nomen et substantia conveniat, quam cuiquam matri secundum naturam humanam, prolem edenti, et cum Joseph, quoad Christi generationem, nullo prorsus sit officio functus, quo illius pater secundum naturam, dici possit, quia tamen hujusmodi naturalis et miraculosa Christi conceptio, in ejus conjuge, indissolubili fœdere conjugali, et matrimonii lege, sibi conjunctâ, absque fidei conjugalis injuriâ, nullo divortio, nullâque divortii causâ interveniente, omnibus matrimonii bonis, fide, scilicet, sacramento, et prole constantibus, facta est, ipsum Joseph propterea, modo quodam singulari, non naturalem, non nutricium solum, non adoptivum, non denique putativum, sed digniori affinitatis titulo, Christi patrem merito fuisse non dubitamus, quandoquidem illud sacrum virgineumque conjugium, ab æterno ita fuerat institutum, ut in eo, et sub ipso, divinâ virtute, pariter et humanâ, Christus, Deus et homo nasceretur. Ideo tametsi Christus, secundum naturam ipsius Joseph nequaquam sit filius, singulari tamen, ac perfectissimo affinitatis gradu, ejus filius merito est dicendus. Neque enim evangelium mentiri potest, cum dicat, *Et erat pater ejus et mater, mirantes super his, quæ*

fol. 18.

Luc. ii.

dicēbantur de illo, veluti et virgo, ipsum Joseph Christi patrem agnoscens, plane fatebatur. *Fili*, inquit, *quid fecisti nobis sic?* *Ecce pater tuus et ego dolentes quærebamus te.* Non enim virgo, ipsum Joseph, Christi patrem appellabat, falsâ illa Judæorum opinione, quâ, ipsum putabant secundum carnem esse Joseph filium, cum ipsa virgo, omni errore carens, luce clarius, novisset, Christum ex se, incolumi virginitate, secundum carnem esse natum, nec eâ ratione, quâ Christi nutricius, aut illius pater esset adoptivus, quoniam quisquam alius etiam præter Joseph, si infantis Christi curam, aut adoptionem suscepisset, eo patris titulo potiri potuisset. Sed dignior sane atque perfectior, inter Christum et Joseph, ille est affinitatis gradus, quo, et Christus ipsius Joseph filius et

fol. 19.

Joseph Christi pater optimo jure est censendus, Augustino De nuptiis et concup. dicente,—*Propter illud sanctum fideleque conjugium, ambo, Christi parentes vocari meruerunt, non solum illa mater, sed etiam ille pater ejus, sicut conjunx matris ejus.* Non immerito igitur, ex his concludimus, affinitatem esse propinquitatem ex nuptiis provenientem, quæ non carnali copulâ, sed fœdere conjugali, orta, divino et naturali jure, impedit, ne matrimonium contrahatur, et contractum dissolvit. Quo plane exploratum est, illam Theologorum et Canonistarum vulgatam opinionem, aut errore omnino esse suspectam, aut saniori doctrinâ saltem intelligendam, e copulâ, videlicet, carnali, licitâ et illicitâ, affinitatem oriri asserentium, cum ex sacris maxime literis, solo nuptiali fœdere, illam induci apertissime demonstravimus, Theologis quibusdam, ac utriusque Juris professoribus approbatissimis plane confirmantibus. Nam cum Theologi simul et Canonistæ, non modo Jurisperitis, verum et Scripturæ in primis contraveniant, tum adeo ut sibi ipsis in hoc contradicere videantur, ut unus et idem Theologus, atque Juris pontificii consultus, et carnali copulâ, et fœdere conjugali, nullâ carnali copulâ accedente, affinitatem oriri affirmet, ex his, aut in eorum dictis aperta contradictio existit, aut alium et alium sensum illorum dicta habent. At cum nemini dubium esse possit, communem illam Theologorum et Canonistarum opinionem, Sanctorum patrum decretis munitam, Scripturæ Sanctæ esse contrariam, atque unum et eundem doctorem, in eâdem præsertim quæstione consultum, sibi ipsi contra-

dicere, necessario fatendum est, eorum dicta, varium habere sensum, cum plurimorum doctorum, aut unius sententiæ non dicantur adversæ, quando distinctione optimâ et salubri doctrinâ queant concordari. Nam et Jurisperiti, divinis in hoc innitentes oraculis, affinitatem ex nuptiis et pactione conjugali oriri profitentes, secundum tamen civiles eorum leges, concubinatum, a pœnis immunem admittentes, ex copulâ carnali, non legitimâ præsertim, ipsam affinitatem induci quoque fatentur. Postquam igitur tam Theologi quam utriusque Juris professores, et nuptiali fœdere interdum, interdum vero et carnali copulâ affinitatem oriri affirmant, necesse est, omni suspitione contrarietatis, in eorum dictis penitus sublatâ, illorum intentionem æquâ lance librantes, veritatis scopum, atque intelligentiam ex eorummet dictis attingere et explicare. Nam cum tota ecclesia per terrarum orbem diffusa, tribus modis probetur existere, inquit Augustinus, et quicquid in eâ continetur, aut autoritas Scripturarum est, aut universalis, vel particularis ecclesiæ est traditio, minime suspicandum est, universalem ecclesiam adversus scripturaram veritatem, decreta aut canones edidisse, cum vi legis tunc potiri non possint, et universalis ecclesia Scripturarum autoritate constringatur. Cum igitur e Scripturis demonstratum sit, affinitatem quæ divino et naturali jure impedit, ne matrimonium contrahatur et contractum dissolvit non carnali copulâ, sed nuptiali fœdere oriri, si patrum decretis, et eorum interpretum atque Theologorum sententiâ dicatur, affinitatem ex carnali copulâ induci, cum non possint patrum decreta canonesque, et Theologorum atque Canonistarum opinio, divinæ et immutabili Scripturarum veritati contravenire et adversari, ea proinde, discreto plane et vero judicio sunt intelligenda quando patres maxime, non nisi humanorum casuum, aut præteritorum, vel futurorum necessitate pulsî, generalium conciliorum canones, Constantini temporibus, Isidori testimonio, et eorum decretales et decreta, tempore Alexandri tertii, Glosâ decreti testante, Scripturis Sanctis ceperunt accommodare. Et cum pene omnia eorum decreta, ob illorum casuum in foro judiciali duntaxat agitantorum necessitatem, universali, vel particulari ecclesiæ concessa, veritati et foro Dei quandoque adversentur, non sunt illa profecto a Christi fidelibus, veluti non errantis veritatis et divinæ legis inconcussa fundamenta, sed tamquam humanæ

fol. 20.

De concubinis L. quæ in concubinatu.

Libro de fide Christiana, Dist. 11 catholica.

fol. 21.

Libro 6, etym. c. 18, dist. 15, canones, 2 q. 6, post appellationem.

sanctiones et statuta solum, summâ cum veneratione observanda, quippe quibus casuum nostrorum necessitati et difficultati subveniamus. Nam jus divinum et jus ecclesiæ, in matrimoniali causâ præsertim, juxta Theologorum et Paludani præcipue sententiam, tum indicio tum probatione, inter se plurimum differunt, et adversantur, quandoquidem in foro Dei et conscientiæ, tam in favorem matrimonii quam adversus matrimonium, unius testimonio tantum, et confessioni creditur. Creditur enim cuique in foro Dei, et pro se et contra se, quoniam si in eo foro mentiatur quis, plus sibi quam alteri nocet, quando mentiando, ob divini sacramenti contemptum, mendacio annexum, semper hujusmodi culpa mortalis est. In foro autem exteriori, et ecclesiæ, nec pro matrimonio nec contra, Clemente tertio approbante, nunquam uni tantum creditur. Propterea in foro Dei, matrimonium quandoque judicatur esse verum, et in foro ecclesiæ idem judicabitur non esse verum, vel contra, quoniam in foro Dei, ex unius tantum confessione, in foro autem ecclesiæ ex plurium allegatis, et probatis solummodo judicatur. In foro Dei, soli veritati innititur, in foro autem contentioso, ex præsumptionibus tantum contra veritatem judicatur. Cum velimus igitur, decretorum ecclesiæ intelligentiam, atque Theologorum et utriusque Juris peritorum dicta, qui inter semet ipsos et in suis ipsorum dictis, in eâ re, omnino dissentire et contradicere videntur, ad Scripturarum veritatem reducere et explicare, favente Christo, qui vera et inconcussa veritas est, exordiamur. Lex enim divina matrimonium, ut est sacramentum unice considerat, et lex humana, ut officium, veluti Joannes de Turre Cremata, ex Thomæ et Ricardi doctrinâ, optime deducit, lege inquam humanâ, quæ, non secundum Dei forum, sed exteriori foro, ex his quæ foris sunt et præsumptionibus solum dijudicat. At cum matrimonii substantiam et affinitatem ejus effectum, nulla res quidem expressius patefacere et probare possit, quam ipsa carnalis copula, quando rei substantia et ejus effectus, sensu maxime non perceptibilis, ex suo actu plurimum innotescit; et cum affinitas, sensu non attingibilis, secundum Thomæ et Paludani sententiam, sit matrimonii effectus, et carnalis copula, ipsius matrimonii sit usus et actus, quæ ipsi matrimonio veluti quoddam accidens evenit, per ipsam igitur carnalem copulam, tamquam per quoddam matrimonii accidens, usum et actum,

Libro 4,
dist. 27.
q. 2, ar. 5,
ca. 2.

Jus divini
et Ecclesiæ
plurimum
differunt.

De senten-
tia et re
ind. Con-
sanguinei.

fol. 22.

Lex divina
et humana
matrimo-
nium
diverse
conside-
rant.

27 q. 2,
sunt qui
dicunt.

Libro 4,
dist. 28.

Libro 4,
dist. 41.

- ipsa affinitas evidentius patefit et comprobatur, quam per matrimonii fœdus et substantiam. Nam corporeus oculus, qui substantiam videre non valet, pura nihilominus accidentia et absoluta præsertim, atque corporea intuetur, ex hujusmodi
- fol. 23. *Libro 2, de anima.* accidentium cognitione, in substantiæ notitiam deveniens, quando accidentia, philosopho teste, magnam partem conferunt ad cognoscendum quod quid est, id est, substantiam, veluti et per creaturas, Paulo comprobante, ad Dei naturalem scandimus cognitionem. Ideo Theologi atque Canonistæ patrum decretis innitentes, atque matrimonii officium considerantes, necnon ecclesiæ, et non Dei forum sequentes, quemadmodum ex carnali copulâ, matrimonium esse dijudicant, ita affinitatem matrimonii effectum, ex carnali copulâ oriri censentur. Unde si quispiam, omni careat contrahendi consensu et voluntate, carnalem duntaxat copulam a puellâ extorquendi gratiâ, pactione solum verbali etiam de præsentī, matrimonium contrahat, et eâ postmodum carnis commertio abuti non vereatur, licet in foro Dei, nullum inter eos penitus sit matrimonium, in foro tamen ecclesiæ, Innocentii tertii decreto, verum comprobatur matrimonium et affinitas contracta, veluti ex sponsalibus, quæ pactione de futuro fiunt, quando ambo sponsi demum, carnis amplexu commiscantur, etiam si sponsi animus et firma deliberatio sit, cum sponsa non contrahere, quamvis in foro Dei, nullum prorsus sit matrimonium, cum sponsus mentis et animi consensus abfuerit,
- De spons. tua nos. sit matrimonium, in foro tamen ecclesiæ, Innocentii tertii decreto, verum comprobatur matrimonium et affinitas contracta, veluti ex sponsalibus, quæ pactione de futuro fiunt, quando ambo sponsi demum, carnis amplexu commiscantur, etiam si sponsi animus et firma deliberatio sit, cum sponsa non contrahere, quamvis in foro Dei, nullum prorsus sit matrimonium, cum sponsus mentis et animi consensus abfuerit,
- De spons. in qui. sine quo conjugale fœdus effici non potest, sane, tunc tamen ecclesiastico, Gregorio nono approbante, et matrimonium esse contractum, et affinitas inducta judicatur. Nam ex ipsâ carnali copulâ et carnis admixtione, cum ipsa sponsa de futuro, consensus de præsentī, Alexandri decreto semper ab ecclesiâ præsumitur accedere, et si sponsus ex animo et consensu
- De spons. de illis. rursum cum aliâ vere contrahat, iudicio tamen ecclesiæ, contra veritatem et Dei forum, ad primam, relictâ secundâ, Alexandri tertii, et Innocentii tertii decretalibus, redire cogitur. Sicut ergo lex humana matrimonii officium considerans, atque forum ecclesiæ, et præsumptiones tantummodo sequens, et matrimonii contractum et affinitatem matrimonii effectum, ex carnali copulâ inductum esse affirmat, ita lex divina, matrimonii sacramentum spectans, et matrimonii substantiam, et affinitatem ejus effectum, non carnali quidem
- fol. 24. Qui filii sint legitimi, ex testamento, etc., transmissio.

copulâ sed fœdere nuptiali, contractum esse decernit. Vides ergo, quoniam aliud est Dei, aliud ecclesiæ forum, et divina lex et humana circa matrimonium et affinitatem ejus effectum, alio et alio modo discernit et judicat; hinc doctores, humanis legibus et ecclesiæ foro innitentes et matrimonium et affinitatem, carnali copulâ oriri communius, atque constantius asseverare, ac profiteri coguntur. Et si quandoque dicant, matrimonium et affinitatem, solo fœdere nuptiali, etiam clandestine, et nullo carnis concubitu subsecuto, esse contractum, tunc Dei et conscientiæ foro innituntur. Hujusmodi difficultatem Panormitanus tangens, et eam, tametsi admodum obscure et breviter solvat, affinitatem ipsam nihilominus, et ex carnali copulâ, et ex nuptiis, conjugaliq[ue] fœdere, induci non dubitat. Ait enim,—*Ex carnali quidem copulâ, ad matrimonium impediendum oritur affinitas*, ac si apertius dicere vellet, Affinitas ipsa, ad effectum impediendi matrimonium, a Judice præsertim ecclesiastico, qui ex præsumptionibus solummodo judicat, absque carnali copulâ, orta non est, neque in ejus judiciali foro, alia affinitas cognosci potest, nec probari. Quo tamen ad alios effectus, inquit, ex nuptiali fœdere oriri non hesito, ut quidam arguunt; et hoc, inquit mihi magis placet, quam ut alii dicunt, affinitatem ex fœdere nuptiali tantum oriri, ac si aperte dicere vellet,—Sicut ex mutuo conjugum assensu et fœdere conjugali, in foro Dei, verum contrahitur matrimonium, ita ex fœdere nuptiali, vera inducitur affinitas, quæ, non solum in foro Dei matrimonium impedit, sed quoad alios effectus ob hereditates maxime adeundas, plurimum facit. Et hanc doctrinam, ante Panormitanum, sectatus est Joannes Andreas, qui utramque affinitatis descriptionem ponens, jus canonicum affirmat, ob matrimonia, exteriori foro prohibenda, ut in eis decus et honestas ubique fulgeat, carnis unionem, quæ ex carnali copulâ tantum emergit, considerasse, Panormitano dicente, *Honestas, inquit, in matrimonio contrahendo, magis attenditur, quam rei veritas*. Propterea Theologi atque Canonistæ dixerunt, affinitatem esse propinquitatem ex carnali copulâ proveniente[m], sive copula hujusmodi legitima, seu illegitima fuerit. Unde Cardinalis Zabarella, hujusce matrimonii decus et honestatem spectans, affirmat ex copulâ carnali, habitâ cum muliere invitâ, etiam dormiente, affinitatem induci,

De eo qui
cognovit
discretio-
nem.

fol. 25.

Super ab-
bore affinit.

De spons.
juvenis,
etc. ad au-
dientiam.

De eo qui
cognovit.
discretio-
nem.

De spona.
§ et qualiter.

In addit.
Panormitani sup. c.
de illo vero
qui cognovit et in
c. literas
de despon.
impuberum,
et c. non debet,
de consang.
et affinit.
Super arbore affinit.
fol. 26.

De probationibus.
Per tuas.

fol. 27.

uti Hostiensis, perpulchre deducit. Et Zacharias Ferrerii Juris interpres, non solum carnali copulâ secundum naturam, verum, et quâcunque carnis admixtione contra naturam, affinitatem oriri asseverat, Innocentio et Cardinali Alexandrino confirmantibus. Et hoc, jure quidem canonico, seu pontificio solum introductum, quandoquidem Jus civile, juri naturali et divino, in eâ re innitendo, hereditatesque tutellas et honores animadvertens, inquit Joannes Andreas, ne affinis contra affinem testimonium reddere cogeretur, affinitatem affirmat, ex nuptiis et fœdere nuptiali provenientem. Est enim hereditas, divino, naturalique jure, et non ecclesiastico, introducta, quando naturali lege, non modo liberorum est generatio et educatio, verum et disciplina et hereditas. Nam prolem generare et illam educare, tametsi omnibus conveniat animalibus, illam tamen moribus, doctrinâque instituere, et bonorum fortunæ, atque bonorum heredem instituere, solis congruit hominibus, veluti et natura docet, et sacris plane constat hystoriis, atque præceptis. Nec injuriâ Theologi asseverant, mulierem, quæ filium adulterio suscepit, decedente viro, factum prodere teneri, nisi filius a matre suasus, integram hæredi reddiderit hereditatem, veluti et Reginam quandam id egisse, Panormitani atque Juris peritorum, fideli testimonio comprobatur. Quibus facile videri potest, obfirmatis jam his duobis foris, Dei, scilicet, et ecclesiæ, et divinâ simul et humanâ lege, alio et alio modo matrimonium considerante, atque pro eo et contra eum, diverse judicante, nullam certe inter doctorum scripta, circa hujusmodi materiam esse contrarietatem. Quoties igitur, ex his, quæ diximus, patrum decreta, atque Theologi, et utriusque Juris periti affinitatem ex carnali copulâ oriri affirmant, tunc eorum dicta ad effectum impediendi matrimonium in foro judiciali, humanâ sanctione tantum semper spectare, intelligenda sunt, quando autem e nuptiali fœdere, ipsam affinitatem oriri fatentur, in foro Dei, et ad alia, quæ juris divini et naturalis sunt, intelligi debent. Quæ quidem patrum decreta, tamdiu Christi fideles eorum observantiæ reddunt obnoxios, quamdiu emergente casuum necessitate, universali ecclesiæ profutura sunt. Nam hujusmodi necessitate simul et utilitate sublatâ, Christi populo, nequaquam illis opus est. Non enim divina lex intendit, ut universalis ecclesia patrum decretis et humano jure ita sem-

per et necessario dirigatur, quemadmodum sempiterno et immutabili jure divino et evangelico, necessario dirigenda est, quandoquidem humana jura, Innocentio tertio approbante, De consang. et affinit. Non debet. temporum varietate, mutabilia sunt, jus autem divinum et evangelicum manet in æternum. Quare multorum certe temeritati obsistendum est, qui talem humanis juribus virtutem, atque obligandi vim parem tribuunt, qualem, merito jus divinum et evangelicum habet, hominum traditionibus, sicut evangelio et Scripturæ adhærentes, et humanam in divinam traditionem, nescio quo spiritu, convertentes. Quinimmo propter hominum traditiones, non sine quidem ingenti Christianorum perturbatione et scandalo, conquerente Christo, mandatum Dei irritum facientes. Qui cum dicat,—*Et non accipiet homo uxorem patris sui*, quod quidem præceptum, cum de uxore patris intactâ, veluti et cognitâ ex his quæ diximus intelligendum sit, nonnulli tamen variis figmentis, illius veritati tenebras obducunt, et divina simul et humana confundunt. Non enim hominum decreta, quæ humanis casibus et necessitati, seu potius nequitiae et improbitati, paternâ pietate præstita sunt, pro universali lege promulganda et observanda, sunt inventa, neque ea debemus præcepta, quæ humana sunt, technis et artibus, atque crassâ quâdam ignorantia, ex humanis, divina statuere, scripturarum oraculis, ac divinis præceptis posthabitis et rejectis. Itaque cum nemo ex his quæ dicta sunt, dubitare possit, et manifestum sit, filio non licere, patris uxorem, intactam veluti et cognitam ducere uxorem, clarissime liquet, affinitatem quæ divino et naturali jure impedit, ne matrimonium contrahatur, et contractum dissolvit, fol. 28. non carnali copulâ, sed solo nuptiali fœdere, oriri. Et hæc quoad primum articulum dicta, ad secundam mentem et calammum dirigentes.

Articulus secundus.

Substantia matrimonii, verum perfectumque conjugium, solâ pactione conjugali, et non carnali copulâ efficitur.

Articuli secundi demonstratio.

Tria a Theologis circa matrimonium considerantur, causa, substantia, quam essentiam dicunt, et effectus. Et de causâ efficiente solum hic loquor, quâ matrimonii substantia perficitur, et sine quâ verum contrahi nequit conjugium. Matri-

Libro 9,
ethimol.

fol. 29.

Libro 4,
dist. 27.
q. 2, in
rubricâ.

Matrimonii
diffinitio.

Libro de
perpetuâ
virginitate
Mariæ, c. 2.
Matrimonii
alia diffi-
nitio.

monii autem effectum, ipsam carnis conjugum admixtionem, hic appello, quæ propterea matrimonii effectus et usus nuncupatur, quia per eam, et matrimonium consummatur, et perfectio quædam, quæ matrimonio accidit, acquiritur. Matrimonii vero substantia, non est mutuus conjugum assensus, cum ille sit matrimonii substantiæ causa efficiens, sed est conjunctio et vinculum; quod quidem merito quandoque conjugium appellatur, quasi commune jugum cum inter conjuges mutuam sit vinculum, et mutua potestas, uti Isidoro optime placet; interdum vero contractus vocatur, et quandoque sacramentum a doctoribus vocari solet. Est enim contractus matrimonii, ipsa pactio donationis mutue potestatis conjugum corporis. Sacramentum autem matrimonii, est ipse contractus, in quantum rationem signi et sacræ rei habet. Et sicut matrimonium, ratione contractûs solum, divinâ institutione semotâ, de jure gentium est, sicut ceteri contractus, ita ratione sacramenti, a Deo fuit institutum, ut sacratissimum divini amoris vinculum cum ejus ecclesiâ præsignaret. Proinde Theologi simul et Canonistæ, ipsum matrimonium, quoad ejus substantiam ita describunt,—Matrimonium est viri, mulierisque conjunctio maritalis, inter legitimas personas, individuam vitæ consuetudinem retinens. Hæc enim diffinitio matrimonii substantiam explicans, illud quidem esse conjunctionem aperit, quandoquidem in matrimonio manifeste liquet, illam esse conjunctionem, secundum quam alter conjugum maritus dicitur, et altera uxor, et ad unam eandemque vitam domesticam et maritalem ordinantur. Et hæc conjunctio, personas uniens tantum legitimas, tantæ virtutis est, ut non nisi alterius conjugis morte dissolvi possit, quando individuam, seu indivisam, vitæ consuetudinem perpetuo retinet, ut sequenti articulo plenissime aperietur. Hugo autem de Sancto Victore matrimonium quoad ejus causam efficientem, ita diffinit,—Conjugium est legitima societas inter virum et fœminam, in quâ societate, ex pari consensu, uterque semetipsum debet alteri. Et ex hâc Hugonis diffinitione, vides, quoniam matrimonium est duarum idonearum personarum legitimus, de ipsâ conjunctione, consensus, quo, uterque conjugum, semetipsum alteri debet. Quod quidem debitum, in hoc plane consistit, ut alter se alteri vicissim conservet, et se illi non neget; conservet se uterque conjugum alteri, ne post talem consensum, ad alienam societatem tran-

seat; non neget quidem se illi, ut ab eâ, cui mutuâ et communi inter se societate conjunctus est, se non disjungat. Spontaneus ergo consensus inter virum et feminam legitime factus, quo uterque debitorem se alteri mutuo spondet, is est, qui conjugium facit. Conjugium vero est ipsa conjunctio et vinculum, sive ipsa conjunctionis societas, tali consensu et fœdere juncta, quod, altero vivente, alterum a debito minime solvit. Habes igitur utramque matrimonii diffinitionem, alteram ejus substantiam, alteram vero, ejus efficientem causam explicantem. At quoniam carnis admixtio, neque matrimonii substantiam attingit, neque cum ejus voluntariâ sponsionis pactione, matrimonium efficiente, locum habet, ab omnibus videri potest, ipsam matrimonii substantiam, perfectumque conjugium, non carnali quidem copulâ, sed solo nuptiali fœdere, ac spontaneo conjugum effici consensu. Eo fit, ut Antonius de Butrio et Cardinalis Zabarella affirmant, matrimonium a solo consensu et pactione conjugali habere substantiam, copulâ carnali ad id nihil afferente, Nicolao Papâ et Innocentio tertio idem comprobantibus. Nam consensus inter personas idoneas, usque adeo sufficit, ut si solus, inquit, defuerit, cetera, etiam cum ipso coitu celebrata, frustra sunt. Hinc, sine mentis consensu, inquit Joannes de Turre Cremata, consensus pactione de præsenti expressus, verum non efficit matrimonium; quoniam cum animi voluntas in omnibus requiratur sacramentis, licet conjuges consensum verbis tantummodo exprimant, si tamen uterque, aut eorum alter, corde non consentit, et omni contrahendi voluntate caret, verum nequaquam efficitur matrimonium. Eandem sententiam Panormitanus quoque affirmans, ait,—Ad substantiam vinculi conjugalis solus contrahentium sufficit assensus; ideo cum carnalis copula quoad matrimonii substantiam majus vinculum non addat, primum non consummatum, nequaquam tollitur per secundum consummatum, Alexandro tertio idem approbante. Unde Antonius de Butrio huic proposito, singularem adducit sententiam. Solus enim consensus, inquit, et non verba, ad matrimonii substantiam spectat, ideo licet verba matrimonio apta sint, dempto tamen consensu, matrimonium non est, cum verba de ejus substantiâ non sint, sed tantummodo consensus. Nam id dicitur de substantiâ matrimonii, quo posito, matrimonium ponitur, et quo dempto, deficit. Solus ergo mentis et animi consensus de substantiâ matrimonii

De spons.
Tua nos.
et c. de
Franciâ.
De conver.
conjug.
Verum.
27 q. 2.
Sufficit.
De spon.
duorum,
Tuas.
27 q. 2. Ma-
trimonium.

De spon.
duorum,
Licet.
De spons.
Cum lo-
cum.
De spons.
Tua nos.
De spon.
duorum,
Tuas.
fol. 31.

Libro 4.
dist. 27,
ar. 1, q. 2.

Libro 4.
dist. 31,
q. 1, ar. 3,
con. 4.

Libro 4,
dist. 27.

Libro 4,
dist. 27,
ar. 1, q. 3.

fol. 32.

De spons.
Tuae fraterni-
tati.
30. q. 5.
Nec illud.
32. q. 2.
Non omnia.

Libro 4,
dist. 27,
q. 2, ar. 4,
con. 2.
27. q. 2.
Sic quod
Papa.

32. q. 2.
Non enim.

est. Ricardus autem solerti indagine, hujusmodi materiam examinans, affirmat, in foro Dei, qui cordium abdita novit, spontaneum mutuumque consensum, matrimonii substantiam efficere, modo divina voluntas et institutio adfuert. Nam cum vir et mulier, Divino plane subsint imperio, eis non liceret, mutuam utriusque corporis transferre potestatem, nisi divina institutio juberet, et ad matrimonii substantiam, cum illorum mutuo consensu, divina voluntas in primis cooperaretur. Quemadmodum igitur Deus, sol et homo generant hominem, ita Deus et conjugum ultroneus consensus, matrimonii perficiunt substantiam, quandoquidem, Paludano teste, ex mutuo conjugum assensu, divinâ virtute, innascitur vinculum, quod est ipsa matrimonii substantia, perpetuo manens, etiamsi ejus peculiaris causa efficiens, utpote conjugum assensus omnino prætereat. At quoniam penes Magistrum hæc verba habentur,—Efficiens causa matrimonii, inquit, conjugum consensus est, non quilibet, sed pactione de præsentis verbis expressus, Ricardus proinde, aperit consensum, verbis, aut signis equivalentibus, expressum in foro ecclesiæ, quoad ejus probationem, ad matrimonii substantiam stabiliendam esse necessarium. Et dico, signis equivalentibus, quoniam ipsi etiam muti signis, et absentes literis, mutuos consensus exprimentes, verum possunt efficere matrimonium, Innocentii tertii decreto, adjunctis glosis, idem comprobante, Nec abs re ita institutum est ab ecclesiâ, tum quia matrimonium est sacramentum et de ratione sacramenti est, quod in eo, aliquod sit sensibile signum, tum etiam, quia hujusmodi consensu, uterque conjugum, corporis sui potestatem alteri vicissim donat, et is qui donum accipit, in donationem hujusmodi consentire nequit, nisi donatoris voluntas illi exprimatur, quod absque sensibili signo, fieri nequit. Hinc Paludanus ait,—Per verba, pactione inquam de præsentis expressâ, mutua corporum potestas, etiam sine carnali copulâ, alteri conjugum vicissim transfertur, omnibus plane Theologis idem confirmantibus. Unde Joannes de Turre Cremata, pactione de præsentis, affirmans matrimonii substantiam effici, hæc verba in medium adducit,—Quoniam Gratianus, hoc in loco, asserere videtur sponso, pactione de præsentis solum, non esse conjuges, reprehenditur ab omnibus, neque ejus sententiam et opinionem quispiam sequitur. Nam et Julianus hæreticus, inquit Joannes, in hæc opinione errat,

scilicet, quod sine carnis admixtione, verum, atque perfectum non sit conjugium. Propterea adversus eundem Julianum scribens Augustinus ait,—Matrimonii veritas, non in solâ carnis admixtione, ut deliras Juliane, consistit, sed ex mutuo viri et mulieris consensu expresso, etiam si nûquam carnalis copula inde sequatur. Unde et Magister, ob varias sanctorum patrum autoritates, quibus apparere videtur perfectum non esse conjugium sine commixtione sexuum, et illam mulierem non pertinere ad matrimonium cum quâ non est permixtio sexuum, ex verbis Augustini, veritatem ostendit, et sanctorum patrum autoritatibus hujusmodi satisfaciens, veram illarum intelligentiam manifestat. Et cum Augustinus ipse hæc verba dicat,—Non est perfectum matrimonium sine commixtione sexuum, eorum intelligentiam ipsemet aperiens, et sibi ipsi satisfaciens, ait,—Hoc si secundum superficiem verborum quis acceperit, labitur in errorem, ut dicat, sine carnali copulâ, non posse contrahi matrimonium, et inter Mariam et Joseph verum non fuisse conjugium, vel non fuisse perfectum, quod nephas est sentire. Tanto enim sanctius fuit, atque perfectius, quanto a carnali opere immunius. Verum enimvero, mulierem illam dicimus non pertinere ad matrimonium, cum quâ non est permixtio sexuum, quoniam ad matrimonium non pertinet, non quidem secundum matrimonii substantiam, sed quia expressam et plenam conjunctionis Christi et ecclesiæ non gerit typum et figuram. Figuratur enim illam unionem Christi et ecclesiæ, quæ est in charitate, sed non illam, quæ est in naturæ conformitate. Est igitur, et in illo matrimonio, conjunctionis Christi et ecclesiæ typus, quâ, ecclesia Christo charitate unitur, non illius, quâ, per susceptionem carnis capiti membra uniuntur. Nec ideo tamen minus sanctum, atque perfectum est conjugium, tum, quia, ut alibi, dicit Augustinus,—In nuptiis, plus valet sanctitas sacramenti, quam fœcunditas ventris, tum maxime, quoniam hujusmodi typus et figura, Theologis comprobantibus, non ad matrimonii substantiæ perfectionem, sed ad decorem tantum et perfectionem attinet adventitiam, uti articulo sequenti, latius demonstrabitur. Et quemadmodum matrimonii substantiæ, typus et significatio accidit, quâ, Christi et ecclesiæ unionem præfigurat, ita et carnis admixtio ei advenit, sine quâ tamen matrimonii substantia est, atque inter virum et fœminam, spontaneo illorum consensu, ac conjugali pactione, verum

Libro 2.
contra Ju-
lianum.

Libro 4,
dist. 16.

fol. 33.

Libro soli-
loquiorum.

Libro de
bono con-
jug. c. 23.

fol. 34.

- atque perfectum comprobatur esse conjugium, Ambrosio confirmante,—Cum initiatur, inquit, conjugium, tunc conjugii nomen asciscitur. Non enim defloratio virginitatis matrimonium facit, sed pactio conjugalis. Denique cum mulier viro conjungitur, conjugium est, non cum viri admixtione cognoscitur. Et Isidorus simul et Chrisosthomus aiunt,—Matrimonium coitus non facit, sed voluntas et consensus. Et rursum Isidorus, ait,—Conjuges a primâ desponsationis fide, verius appellantur, quamvis adhuc inter eos conjugalis concubitus ignoretur. Cujus verba, Joannes de Turre Cremata tractans ait,—Conjuges a primâ desponsationis fide, ad castitatis, ac mutuæ servitutis fidem servandam sibi invicem alligantur, quia statim inter eos verum est conjugium, et viri sunt conjuges, Augustino dicente,—Conjux vocatur, a primâ desponsationis fide, quam concubitu non cognoverat, nec fuerat cogniturus, nec futura erat carnis ulla commixtio. Beatiora sane conjugia, quæ sine filiis procreandis, sine terrenâ prole contemptâ, pari consensu, continentiam servare possunt. Unde Hugo de sancto victore, conjugii veritatem, etiam si nulla carnis admixtio accedat, nullo modo deficere asserit, immo potius, eo verius et sanctius conjugium esse affirmat, quod in solo charitatis vinculo, et non in carnis desiderio et libidinis ardore fœderatum est. Quid enim, in carnis desiderio conjugium sanctum esset, et in charitate non esset? Et quomodo, sine prole, ut Paludanus innuit, relicto maritali thoro mente et corpore, et ab utroque conjugis nuptiali fractâ fide, verum esset matrimonium, et in verâ charitatis societate et continentia non esset? Absit. Multo enim verius et justius, ibi est verum et sanctum conjugium, ubi nihil habet castitas unde erubescat, sed magis unde gloriatur charitas. Cum igitur uterque conjugum voluntariâ sponsionis pactione, in omni dilectionis sinceritate, continentia et pietate, mutuo se vinciant, volentes ut in omnibus bonis et malis, alter sit alteri, quod ipse sibi, nonne horum verius atque perfectius esset conjugium, conjugio horum, qui nil præterquam dulcem carnis voluptatem exquirunt? Audias, quæso, quidnam de virgine Christi matre et Joseph dilectâ sponsâ, Augustinus dicat. Erat inquit illa virgo, ideo et sanctius et mirabilius jucunda suo viro, quia etiam fecunda sine viro, prole dispar, fide compar. Propter quod fidele conjugium, non solum ambo conjuges, sed Christi
- Libro de
initiatione
virginis.
27. q. 2.
Cum initi-
atur.
- In Math.
27 q. 2.
Matrimo-
nium et
in rubricâ.
Libro 9.
ethim.
27 q. 2.
Conjuges.
- De nuptiis
et concup.
Libro.
27 q. 2.
Conjux.
- Libro de
perpetuâ
virginitate
Mariæ, c. 2.
- fol. 35.
Libro 4.
dist. 31,
q. 2, ar. 3.
con. 3.
- De nuptiis
et concup.
Libro 2,
c. 22.

parentes vocari meruerunt. Neque Alexandri tertii, Gregorii De eo qui
 noni, Innocentii tertii et aliorum patrum decreta, huic veritati duxit in.
 obesse possunt, quibus apertissime dicitur, carnalem copulam Signifi-
 omnino inducere matrimonium, quandoquidem omnia et singula De spons.
 hujusmodi patrum decreta quoad præsumptionem tantum, in Tua nos, et
 foro exteriori ecclesiæ, et non in foro Dei, quoad veritatem, c. de illis.
 intelligenda sunt, glosâ decreti id affirmante, veluti ex spon- 27 q. 2.
 salibus, quæ, pactione de futuro fiunt, ad quæ, si carnalis Cum in-
 copula, sine consensu de præsentī demum sequatur, ecclesiā, itiat.
 contra matrimonii veritatem illam judicat matrimonium efficere,
 non quidem verum, sed tantummodo præsumptum, uti superiori
 ostensum est articulo. Luce meridianâ clarius igitur habes, fol. 36.
 ex solo conjugum spontaneo consensu, verbis aut signis equi-
 valentibus expresso, sine carnis admixtione, matrimonii sub-
 stantiam, verum atque perfectum effici conjugium, quando et
 Magister concludit non esse ambigendum, quin sola pactio et Libro 4.
 solus de præsentī consensus, conjugium efficiat, et exinde veri dist. 27.
 conjuges appellentur, et si quispiam post talem consensum,
 aliis se copulaverit, etiam si carnis admixtio illie sequatur, ad
 priorem tamen copulam revocandus est. Et licet inter causas,
 quæ ad matrimonii finem pertinent, propter quem conjugium
 a Deo institutum est, principem locum teneat filiorum propagatio,
 quæ sine carnis commertio nequit adimpleri, eâ re nihilominus
 etiam non subsecutâ, propter quam nuptiæ fiunt, semper matri-
 monii fœdus, modo vere semel initum sit, inseparabili vinculo,
 ad alterius conjugum mortem usque permanet. Nam si quis-
 piam, qui sacerdotii gradum suscipiat, eo fine ut sacrificiis, aut
 sermone populum congreget, et ecclesiæ sacramenta illi admi-
 nistret, etiam si populi nunquam subsequatur congregatio,
 neque sacramentorum ulla fiat administratio, nonne verum in
 eo nihilominus ordinis manet sacramentum? Nuptiarum igitur
 bona lubeat contemplari et non solum propagandæ sobolis
 officium, verum, et pudicitiae fidem, et connubii agnosces sacra-
 mentum. Propter procreandi præceptum, Paulus dicit, *Volo*
juniores nubere. Et quasi ei diceretur,—Quam ob rem? 1 Tim. 5.
 Continuo subjicit, *Filios procreare, matres familias esse.*
 Propter pudicitiae fidem, alio loco, Apostolus dicit, *Vir non* 1 Cor. 7.
habet potestatem corporis sui, sed mulier, et contra, propter
 conjugii sacramentum, a Christo dicitur, *Quod Deus conjunxit,* Math. 19.
homo non separet. Et Paulus jubet, *uxorem a viro non disce-* 1 Cor. 7.

fol. 37. *dere.* Quod si insatiabili conjugum libidine, uterque eorum aut eorum alter, illud pudicitiae fidei bonum violet, alieno thoro vacans et abutens, inter eos nihilominus verum adhuc erit matrimonium, tametsi turpe et fœdatum, cur ergo prole et carnis commertio plane posthabito, pudicitiae et integritatis fide servatâ, verum atque sanctum non erit matrimonium? Quando evangelii tempore præsertim neque matrimonium contrahere, neque matrimonio jam contracto, carnalem copulam exercere, et filios procreare sit fidelibus junctum sub præcepto, et Deo magis spirituique, quam carnali vacandum sit amplexui, maxime cum uterque conjugum, sine alterius consensu, jure optimo, valeat votum emittere, carnis amplexum ab altero nunquam exigendi et de utriusque assensu, voto continentiae obfirmato, carnis concubitum alter alteri valeat denegare. Quod si Deo et continentiae, spreto carnis commertio, conjuges malunt inservire, cur inter se eo amplius conjugali non gaude-

Cavillum.

Cavilli
solutio.
27 q. 2.
Matrimo-
nium.

bunt contubernio? Neque quorundam Pontificii Juris peritorum afferas sententiam, quâ, dicunt, consensum in carnalem copulam ad matrimonii contractum omnino esse necessarium, quando Joannes de Turre Cremata, non minus Juris Pontificii quam sanctarum literarum intelligentiam optime doctus, singularem responsum illis præbens, ita satisfacit. Non videntur hii proculdubio mihi bene sapere, qui consensum in carnalem copulam, ad matrimonii contractum, omnino esse necessarium affirmant, ideo eorum dictis posthabitis, Theologorum imitanda est sententia, qui maturius in eâ re, atque verius locuti sunt. Nam consensus ille qui matrimonium facit, in carnalem copulam consensus non est, quandoquidem conjugum neuter et mente et carne virgo esse potest, qui carnali copulae consentire cogitat. At cum Christi mater, et Joannes quoque evangelista, post nuptialem consensum, mente et carne, divinis attestantibus eloquiis, virgines semper extitere, luce clarius exploratum est, connubii consensum in carnalem copulam non esse necessarium. Quippe, cum effectus causæ ejus semper respondeat, et consensus, matrimonii causâ prorsus existat, quemadmodum carnalis copula e matrimonii substantiâ non est, ita nec consensus, qui matrimonium efficit, ad carnalem copulam spectare debet. Neque enim conjugum consensus, ad id necessarius est, quod ad matrimonii substantiam non pertinet. At quoniam carnalis copula, ad eam matrimonii substantiam non spectat, quando

fol. 38.

maxime, celebratis nuptiis, etiam si conjuges a coitu se abstinant, verum inter eos est conjugium, veluti a virginis et Joseph sanctissimo matrimonio manifeste liquet, cur conjugum consensus in carnalem copulam esset necessarius? Verum quia nuptiali fœdere, mutua potestas communicationis bonorum fortunæ, corporis et animi utrique conjugum datur, quæ illorum usum, et corporis maxime, quoquo modo respicere videtur, ut si conjunx petat, et concessâ sibi potestate uti vellet; propterea multis apparet, nuptialem consensum in carnalem copulam esse necessarium, quod tamen a veritate ipsâ alienum est, nisi quoad conditionem et potentiam tantum, uti diximus, veluti et Theologi omnes idem asseverant, Adriano Papâ dicente,—Non requiritur, inquit, consensus in carnalem copulam, sed in translationem potestatis corporum duntaxat, quo consensu, in carnalem copulam consentire non est, sed in utriusque conjugum corporis translationem. Nam, sicuti carnalis copula, a vinculo pactionis nuptialis plurimum differt, ita consentire in pactionem conjugalem, et consentire in carnalem copulam magnopere distant. Consentire enim in pactionem nuptialem, nil aliud est, quam conjugum alterum, alteri corporis sui potestatem vicissim in perpetuum dare, qui consensus non tamen is est, ut cogitent, carnali inter se conjugis copulâ commisceri, sed tantummodo consentire est ut alterius corpus inseparabili nexu vicissim alterius sit. Consentire autem in carnalem copulam est corporis sui usum alteri accommodare, quo consensu, vir et mulier cogitant, carnali inter se amplexu commisceri. Eo modo, carnalis copula, tametsi extra conjugium exerceri possit, quamquam non absque crimine, nisi nuptiale fœdus prævenerit, copula tamen, seu pactio ipsa nuptialis, nisi in conjugio esse nequit, et absque carnali copulâ esse potest, quæ cum sanctissima sit pactio, ejus virtute matrimonii substantia perficitur, et utriusque conjugum corpore, alteri alterius vicissim utendi potestas donatur. Copulâ autem carnali, usus tantum corporis tribuitur. Pactio vero conjugalis, nullâ re, nisi alterius conjugis morte, iterari potest. Propterea vir et uxor, in pactionem conjugalem consentientes, in carnalem copulam minime consentiunt, aut saltem eos actu consentire haud necesse est. Quinimmo, si virgo aliqua, animo servandæ virginitatis matrimonium contrahat, vere contrahit, et virginitatis præmio, ex eo contractu, minime carebit; quandoquidem,

Libro 4.
de sacramentis.

fol. 39.

Consentire
in pactionem
nuptialem quid.

Consentire
in copulam
carnalem
quid.
Copulæ
carnalis et
pactionis
nuptialis
discrimen.

consentire in pactionem nuptialem, non est actu consentire, in carnalem, sed in mutui corporis potestatis tantummodo translationem, veluti, et beatissima virgo, quæ cum desponsaretur, non in carnalem copulam, sed in pactionem tantum consensit nuptialem, ipsi Joseph, corporis sui potestatem et non usum præbens, cum ejus virginitatem Deo prius voto libâset, nisi ei aliter ipse jussisset. Etenim, jam desponsata virgo erat, quando ad illam missus est Angelus. Et cum ei diceretur, *Ecce concipies in utero et paries filium ait, Quomodo fiet istud, quoniam virum non cognosco?* Et quidnam aliud significat *virum non cognosco* quam, virum statui non cognoscere, et virginitatis decus, ad vitæ finem usque inviolatam conservare? Enimvero, si in carnis admixtionem Maria consensisset, nonne a perfectissimo virginitatis statu excidisset? Quandoquidem, vel carnis commertio, vel carnis desiderio, a statu virgineo quis penitus labi ruique potest, quod de virgine beatissimâ nephas esset cogitare, quando in eâ cujusque generis perfectio decuit refulgere. Unde merito ei soli datum est, ut filium pareret, et virgo permaneret. Hinc, virum propterea habere consensit, ut virginitatis votum celaretur, et parentibus, nuptias ei secundum legem imperantibus, obtemperaret. Inivit ergo conjugium, sed non mutavit virginitatis desiderium, et quia pudicitiam dilexit, et obedientiam servavit, inventa est in eâ, et sine virginitatis detrimento, conjugalis sanctitas, et sine sterilitatis opprobrio fœcunda virginitas. Desponsata igitur Maria erat, et conjunx erat, et vera virgo erat, et virginitatis votum, toto animo, ad finem usque vitæ suæ observans, tantæ virtutis præmio potita est. Nam si ante cœlestis arcani revelationem carnis amplexui assensum non præbuit, multo minus in illum consensit postquam cœlesti fœtu se fœcundam fore ab Angelo audivit. In nuptialem nihilominus pactionem consensit, cujus virtute tantum conjunx erat, Angelo dicente, *Joseph, fili David, non timere accipere Mariam conjugem tuam. Quod enim in eâ natum est, de spiritu sancto est.* Nimirum tantæ virtutis est pactionis conjugalis vinculum, ut hii, qui in mortis articulo, de corporis salute desperant, et mox certissimam mortem expectant, nullâ spe prolis procreandæ, si, aut quam sobolem habeant, eam desiderio faciendi legitimam, aut aliquâ aliâ causâ moti, cum eâ cum quâ commertium habuerint, matrimonium celebrent, Alexandro tertio comprobante, non modo

fol. 40.

Luc. i.

fol. 41.

Math. i.

Qui filii
sint legiti-
mi. Tanta.

verum id matrimonium habeatur, et veri conjuges efficiantur, verum etiam et filii, quos ante, et non legitimos habuerant, legitimi censeantur; veluti si senes, et ad coeundum impotentes, qui aut naturâ aut casu aliquo impediuntur, et sese impeditos esse cognoscant, nuptias contrahant, Lucio tertio approbante, vere et sancte contrahunt. Nam licet carnis inter se commercium habere non possint, satis est, si mutuae charitatis, atque pietatis opera, simul exerceant. Vides ergo, ipso sole clarius, quoniam sine consensu carnalis commercii, conjugium verum et sanctum esse potest; neque sanctitas, perfectio et veritas sacramenti conjugalís, in assensu coitus carnis, sed in assensu consistit nuptialis pactionis, quando consensus una habitandi, et individuum vitæ consuetudinem retinendi, interveniens, virum et feminam conjuges facit. Individua enim vitæ consuetudo est, talem se in omnibus exhibere viro, qualis ipsa sibi, et e converso. At quoniam, sicuti primo articulo demonstravimus, ex fœdere nuptiali, veram affinitatem oriri, et hoc quoque secundo, jam compertum est, ex nuptiali pactione et non carnali copulâ, matrimonii substantiam, ac verum, perfectumque effici conjugium, ita tertio sequenti articulo, superest, ut demonstremus, virum et uxorem, non carnali copulâ, sed solo fœdere nuptiali, unam mentem et unam carnem fieri, ut his tribus, duo unum fieri, merito posset comprobari. Hii enim tres articuli ita inter se adeo sunt colligati, ut quemadmodum primus sine tertio, ita et tertius sine primo et secundo esse non possit.

De frigid.
et malefi.
Consulta-
tioni.

fol. 42.

Articulus tertius.

Vir et uxor, solo fœdere conjugali, Deo inprimis operante, una mens, et una caro fiunt.

Articuli tertii demonstratio.

Haud me fugit variam matrimonii significationem et inter matrimonium non consummatum et consummatum adventitium discrimen, diversas, atque contrarias inter doctores, de matrimonio, an separari possit, peperisse quæstiones, quando alium matrimonium etiam non consummatum, a nemine, citra Deum, dissolvi posse affirmant, quidam vero, non solemnî voto solum, verum etiam et Romani Pontificis autoritate dirimi posse opinantur. Et illi quidem, non a carnali copulâ, sed a conjugali fœdere, hii vero, a carnali copulâ, hanc quæstionem, an matrimonium dissolvi possit, oriri arbitrantur. Propterea, ut illi

virum et uxorem, conjugali fœdere, unam mentem, unamque carnem fieri asserunt, ita hii, non nisi carnali copulâ, eodem unam carnem effici asseverant. At quoniam veritas in altero oppositorum duntaxat esse potest, quando duo opposita de eâ re, simul esse vera non possunt, nisi multiplicem sensum

fol. 43. forsân admittant, hujus articuli propterea veritate perceptâ, atque doctorum hujusmodi opinionibus, solerti examine simul discussis, facile erit, illorum dicta discernere, quo sensu necessario sunt intelligenda Ut igitur hujus articuli veritas aperiat, clarioribus verbis, illius sensum primo explicabimus. Vir et uxor, aut solo fœdere conjugali, aut carnali copulâ, virtute tamen pactionis nuptialis usque adeo, divinâ virtute, una mens et una caro fiunt, ut ex solâ carnali copulâ, sine conjugali fœdere, vir et mulier, una mens et una caro minime efficiantur. Ideo omnibus, ante omnia, notum esse debet, quoniam tametsi matrimonium non consummatum a consummato, ex his solum, quæ ei accidunt, inter se differant, secundum tamen matrimonii substantiam, unum ab altero minime differt, quando spontaneus conjugum consensus, uti articulo superiori demonstratum est, ipsam matrimonii perficiunt substantiam. Verum quia conjugum consensus matrimonii substantiæ non integra causa est, cum Deus ipse ad matrimonii substantiam, primo operetur, quando matrimonii vinculum, Paludano teste, Deus efficit, et consensus disponit, quo Adam cum Evâ conjunxit, et reliquos quoque conjungit. Et sicut Adam in se id factum plane agnovit, ita spiritu prophetico, in aliis quoque faciendum prædixit. Quare virum et feminam, Deus ita conjungit, ut post mutuum illorum assensum, hujusmodi vinculum nullo quovis modo in conjugum potestate sit, sed inseparabili nexu, perpetuo inter eos quidem existat. Eo fit ut matrimonii contractus et vinculum non secundum aliorum contractuum humanorum naturam dirigi debeat, quoniam tametsi omnis contractus tantummodo humanus, qui consensu nascitur, Chrysosthomo autore, consensu contrario dissolvatur, matrimonii tamen vinculum mutuo conjugum dissensu, nunquam dissolvi potest quando maxime ab ipso ecclesiæ capite, rerum omnium conditore, in paradiso et in statu innocentie, ita institutum sit, ut eam acceperit unionem, quæ minime secerni possit. Unde Paludanus ait,—Quamvis enim consensus, qui matrimonii substantiam perficit, a naturâ sit, eâ tamen ratione, quâ matrimonii

Articuli
tertii sen-
sus.

Libro 4,
dist. 26,
q. 1, ar. 2.

De regu-
lis juris.
Omnis.
fol. 44.

Libro 4,
dist. 26,
q. 4, ad
tertiam.

substantia sacramentum est, a solo Deo existit. Nam conjunctio maris et fœminæ, a naturâ non habet ut Christi et ecclesiæ conjunctionem significet, et gratiam conferat, sed a divinâ solum institutione illa gerit. Hinc matrimonii vinculum, cum maximum sit sacramentum, non ab humano consensu solum, sed a Deo maxime ejus substantiam habens, ex quo semel contractum est, ab humanâ potestate, solvi non potest. Neque primâ ejus institutione, sacramentum dicitur, propterea quod invisibilis gratiæ signum sit, sed duntaxat, quia aliquid spirituale representet. Ab initio enim, matrimonium humanum Christi et ecclesiæ matrimonium, maximâ charitate junctum præsignat, Apostolo dicente, *Hoc sacramentum magnum est.* Eph. 5.

Ego autem dico, in Christo et in ecclesiâ. Verum cum matrimonium, quoad ejus substantiam, eam vim habeat, ut solvi non possit, et a mundi exordio in statu innocentiae, ob humanæ solum generationis officium, veluti in statu naturæ lapsæ in officium pariter et remedium a Deo fuerit institutum; in lege quoque evangelicâ, Christi confirmatione, veri sacramenti naturam tandem accepit, quando matrimonium, e septem sacramentis ecclesiæ unum, a Christi passione præsertim virtutem sumens, invisibilis gratiæ est visibilis forma, illius imaginem gerens et causa existens. At quoniam variæ conditiones ipsi matrimonio conveniunt, operæ precium erit illas sigillatim, ac fol. 45.

summatim recensere, quibus explicatis, facilius erit nonnullos hujusmodi difficultatis nodos dissolvere et intelligere. Est enim unica tantum naturæ conditio, quæ matrimonii substantiam gerit, et quatuor conditiones gratiæ sunt, quæ non matrimonii substantiam, sed significationem ejus adventitiam tantummodo præfigurant, a Theologis quidem his vocabulis nuncupatæ, videlicet, Sacramentum tantum,—Res et Sacramentum,—Res signata et contenta,—Res denique signata et non contenta. Unde sacramentum tantum ipsius matrimonii est ipse consensus, signo sensibili expressus, quo matrimonium contrahitur, in quantum divinâ institutione, signum est, ad gratiam disponens. Res et sacramentum, est ipsum conjugii vinculum, eâ ratione, quâ, Deo ordinante ad gratiam disponit, et aliquid sanctum, videlicet, Christi et ecclesiæ conjunctionem præsignat. Res autem signata et contenta, est ipsa gratia gratum faciens, quæ in hoc sacramento, Christi passione confertur. Res vero signata et non contenta, triplex assignatur, scilicet, conjunctio

Matrimonii
variæ con-
ditiones.

per charitatem inter Christum et ecclesiam, conjunctio per charitatem inter Deum et animam, et conjunctio inter verbum et humanam naturam, per unionem hypostaticam. Conditio autem naturæ est ipsa matrimonii, ut aiunt, inseparabilitas, non eâ ratione, quâ signum est, sed eâ ratione tantum, quâ ad matrimonii substantiam attinet ipsamque comprehendit. Nam matrimonii inseparabilitas, de lege naturæ est, quod quidem præceptum, non modo Christus evangelio confirmavit, verum et ad novitatis naturæ statum, reducens, eo dicente, perfectit. *Quod Deus conjunxit, homo non separet, Et, Qui dimiserit uxorem et aliam duxerit, mæchatur.* Et quemadmodum significatio rei contentæ, inquit Thomas, de necessitate sacramenti est, et ad eam significationem, carnis admixtio minime pertinet, sed ad rem non contentam solum, ita matrimonii inseparabilitatem, in quantum naturæ conditio est, et ejus substantia, ipsa quoque carnis admixtio non attingit. Nam sicut carnis commixtio matrimonii substantiæ accidit, ita et sacramenti significatio. Hinc Durandus ait,—Bonum matrimonii, quod est ipsa indivisibilitas, matrimonii substantia est, et inter matrimonii bona præstantius. Et licet eâ ratione, quâ signum est, conditio sit, ad gratiam pertinens, naturæ conditionem superexcedens, non tamen matrimonio substantia et naturale est, sed adventitium duntaxat. Vinculi autem indivisibilitas, ratione, quâ naturæ conditio est, naturalis substantia matrimonio est, divinâ institutione et mutuo conjugum assensu tantum effecta. Habes igitur ex hoc, matrimonii substantiam quæ virtutem habet, ut solvi non possit, et quoad naturæ simul et gratiæ conditionem, a Deo constare, et matrimonii naturæ conditionem, matrimonii substantiam præ se ferre, matrimonii vero gratiæ conditionem ad matrimonii substantiæ decorem tantum, adventitio modo advenire, atque inter matrimonium consummatum et non consummatum, quoad eorum substantiam, nullum esse discrimen, tametsi, ex his quæ ei accidunt, quadrifariam inter se distare non dubitemus, veluti ex Hostiensis doctrinâ Paludanus optime deducit. Quo fundamento jacto, hujus articuli veritas, Deo adjuvante, demonstrabitur, quâ dicimus, virum et uxorem, solo nuptiali fœdere unam mentem fieri et unam carnem. Ea igitur legis verba primitus in medium afferamus, quæ Adam, cum a Deo matrimonium instituyente, esset illustratus, dixit, *Hoc nunc os, ex ossibus meis, et caro de carne*

Math. 19.
fol. 46.

Libro 4.
dist. 26,
ar. 4, ad
secundam.

Libro 4,
dist. 31,
q. 2.

Libro 4,
dist. 26,
q. 1, ar. 2.

fol. 47.
Gen. 2.

meâ. Quippe cum Adam soporatus obdormiret, divinâ virtute, ex ejus costâ, Eva formata est, et a somno simul et extasi revocatus; ambos demum matrimonii vinculo, illorum mutuo consensu, Deus conjunxit. Quamobrem, Adam dixit, *Relin-* Gen. 2.
quet homo patrem suum et matrem, et adhærebit uxori suæ, et erunt duo in carne unâ. Vides quoniam divinâ revelatione, conjugii virtutem Adam in seipso, et in ejus uxore factam ac in aliis quoque fiendam agnoscens, tria hæc dixit, videlicet, Relinquet homo patrem suum et matrem, Adhærebit uxori suæ, Erunt duo in carne unâ. At cum Adam uxori suæ adhærens, patrem minime reliquerit et matrem, quia parentibus caruit, plane constat, gratiâ nostri tantum, id fuisse dictum. Relinquet ergo parentes homo, et uxori adhærebit, a parentibus discedet, et ad uxorem accedet, et quod parentibus subtrahit, uxori impendet. Et quid est hoc, quod ob matrimonii vinculum, homo patrem et matrem relinquet, et uxori adhærebit? Nunquid forsân in dilectione, vel in cohabitatione, vel in carnis admixtione relinquet homo patrem et matrem? quandoquidem, his tribus modis, et secundum dilectionem, et secundum cohabitationem, et secundum carnis admixtionem uxori adhærebit. Potest sane homo, parentes simul et uxorem diligere, atque parentibus simul et uxori cohabitare. Igitur nec secundum dilectionem, nec secundum cohabitationem relinquet homo parentes et uxori adhærebit; quanto magis neque secundum carnis commixtionem, quæ nunquam fuit, neque jure inter eos esse potuit, relinquet homo patrem et matrem, et uxori adhærebit. Secundum quid ergo relinquet homo parentes et uxori adhærebit, nisi secundum illam singularem societatem, fol. 48.
in quâ, semetipsum homo alteri debet? Enimvero, in eâ nuptiali societate homo patris et matris affectum non deponit, ut uxori dilectione adhæreat, sed patris et matris amorem tantummodo postponit, ut uxoris charitatem illis præferat. Et hæc fuit sancti conjugii prior causa, inquit Hugo de Sancto Victore, propter [quam] Deus instituit, ut relictis parentibus, uxori suæ, individuâ semper dilectione, eligeret unice sociari. Nec immerito Cardinalis Zabarella, singulari admodum sententiâ, ait,— In conjugio perpende vim amoris, quia, propter hoc, relinquet homo patrem et matrem, et adhærebit uxori suæ, et erunt duo in carne unâ. Non igitur de carnis admixtione, sed de cordis affectu, et dilectionis vinculo, dictum est,—Et adhærebit uxori

Libro de
perpetuâ
virginitate
Mariæ, c. 1,
et 31.
De bigam.
ordin. De-
bitum.

suæ. Nec id conjugio satisest, sed majorem in eo conjunctionem esse scriptura ostendit, dicens, *Et erunt duo in carne unâ*. Hinc solus dilectionis nexus, virum et feminam conjuges non facit, quando plerique homines eorum parentum amorem, alicujus puellæ affectui postponentes, et puellæ dilectionem, parentum charitati præferentes, conjuges non sunt. Et nuptiali quoque fœdere inter virum et fœminam inito, nullo adhuc carnis amplexu subsecuto, si demum amore spreto, inter eos odium quidem et contentio oriatur, non propterea nuptiale fœdus dissolvitur, quandoquidem, non amoris vinculo, sed nuptiali fœdere, vir et uxor, veri conjuges, et duo simul fiunt in carne unâ. Ante igitur omnem carnis admixtionem, sanctum conjugium, divinâ institutione, his tribus, sancitum esse scriptura affirmat; quoniam ob matrimonii vinculum, homo relinquet patrem et matrem, illorum amorem uxoris affectui postponendo, et adhærebit uxori suæ, uxoris inquam affectum affectui parentum præferendo, et erunt duo in carne unâ. Unde Chrysosthomus, ait,—Hâc lege non simpliciter mulierem viro copulari videtis, sed patrem et matrem dimittendos juberi, nec ad mulierem accedere, virum simpliciter Deus voluit, verum etiam potestate conglutinari, ostendens minime esse separandos. Nec illud sibi solum sufficit, sed majorem conjunctionem ostendit, dum dicit, *Et erunt duo in carne unâ*. Nonne vides, quoniam in statu innocentis, ante carnis commixtionem, Adam et Eva, solo fœdere nuptiali conjuges effecti sunt, et singulari dilectionis nexu, Adam Evæ adhærens, duo quoque erant in carne unâ? Neque humanum illud commentum, huic veritati obviat, quo, plerique dicunt, scripturam sanctam futuri temporis verbo usam fuisse, dum dicit,—*Et erunt duo in carne unâ*, quo, conjuges, non fœdere nuptiali, sed carnis admixtione, duo aiunt fieri tandem in carne unâ, quando certe, verbo futuri temporis, in toto illo scripturæ contextu, usa est scriptura sancta, utpote, *relinquet, adhærebit, et erunt*, quo vana hujus cavilli levitas plane demonstratur et solvitur. Et ut veritas hujusmodi magis ac magis elucescat, veteris testamenti scripturam, evangelicæ scripturæ conferamus, salvatore præsertim Phariseis quibusdam dicente, *Nunquam legistis*, inquit, *quia, qui fecit ab initio masculum et feminam fecit eos*, et dixit, *Propter hoc dimittet homo patrem et matrem, et adhærebit uxori suæ, et erunt duo in carne unâ*. Itaque jam

fol. 49.

Math. 19.

non sunt duo, sed una caro. Ecce, quoniam verba legis, quibus sanctum conjugium in statu innocentiae fuit institutum, verba Dei fuisse Christus affirmat, quando formatis duobus, Adam scilicet et Evâ, sexu, corpore, et animâ distinctis, eos fol. 50. animorum tunc et corporum unione, indivisos reddidit, quando ambos, nuptiali fœdere solum, conjuges fecit. Non enim eos conjuges creavit, sed ipsis antea productis, conjuges demum instituit. Itaque jam non sunt duo, sed una caro. Retulerat enim Christus verba legis, cujus ultima verba exponens, videlicet, *Et erunt duo in carne unâ*, ait,—Itaque jam non sunt duo, sed una caro, quasi dicat,—Ex quo jam secundum divinam institutionem, vir et mulier, nuptiali fœdere, in carne unâ junguntur, non sunt duo secundum carnem sed una caro. Et qui prius in eorum creationis exordio, erant duo, secundum proprias carnes divisi, jam desinunt esse duo, jam secundum carnem cessat eorum divisio, quoniam, Deo instituente, et mutuo conjugum assensu, effecti sunt una caro. Nam uterque conjugum, proprii corporis potestatem alteri vicissim præbens, propriam carnem usque adeo ponit in communi, ut neuter propriam retinens, ex duabus una caro effecta, communis est utrique. Audiamus quæso Dionysium, Carthusiensem, virum In Math. plane doctissimum atque pientissimum, sic dicentem,—Itaque ¹⁹ jam post copulam matrimonialem, vir et uxor non sunt duo, quæ ab invicem separari possunt, sed una caro, et tam indissolubili vinculo juncti sunt, ac si una caro penitus essent, et quodammodo una caro sunt, quoniam caro unius, in alterius potestate est, et uterque eorum corporis alterius vicissim habet potestatem, dicente Apostolo, *Vir corporis sui potestatem* 1 Cor. 7. *non habet, sed mulier, et mulier corporis sui potestatem non habet, sed vir.* Neque arbitreris Dionysii sententiam, de carnali copulâ, sed de fœdere nuptiali, esse intelligendam, cujus virtute solum, corpus unius vicissim efficitur alterius. Nam et cum alio loco, idem Dionysius quæstionem facit, cur In Math. 1. non potius genealogia Joachim patris Mariæ quam Joseph a Mathæo contextitur, his verbis quæstionem solvit. Ideo factum fol. 51. est, inquit, quoniam major est unitas viri et uxoris quam parentis et prolis, secundum id, quod scriptum est, *Et erunt duo in carne unâ*. Vides ergo Mariam et Joseph, non carnali quidem copulâ, sed nuptiali tantum fœdere, conjuges effectos, duo quoque fuisse in carne unâ. Nec immerito Paludanus affirmat,

Libro 4.
dist. 26.
q. 3. ar. 2.
con. 3.

fol. 52.

Mariæ et Joseph sacrum conjugium et corporale simul et spirituale prorsus extitisse, spirituale quidem, quia inter eos, nulla carnis admixtio fuit, corporale autem, quia uterque eorum, corpus proprium in alterius vicissim tradidit potestatem. Non enim conjugum animus transfertur, sed corpus, quo, plane, conjugium ipsum corporale potius est, quam spirituale. Hinc matrimonium consummatum, quoad ejus substantiam, non magis corporale est, quam non consummatum. Quia tamen matrimonium non consummatum, carnis expers commixtionis est, ex hoc solum spirituale dicitur, et non carnale, non quidem substantiâ, sed usu tantum a consummato distinctum. Unde Christus, legis verborum verus interpret, non dixit,—Itaque jam non sunt duo, sed una anima, vel unus spiritus, verum ait, *Itaque jam non sunt duo, sed una caro*. Quemadmodum enim hii, qui proprias res ponunt in communi, duo sunt, aut plures, in re unâ communi illis, ita viri et mulieris fœdus et conjugium in hoc plane constat, quia proprias carnes vir et uxor inter se in communi ponentes, duo sunt in carne illâ communi, quæ e duabus una caro effecta communis est utrique. Neque carnalis copula illam carnis statuit communitatis unitatem, quæ, a Deo et conjugum mutuo consensu dependet, et sine ipsâ carnali copulâ esse potest, quando præsertim, res diversæ virium unitate communitatis effectæ, absque usu omnino communes esse possunt, ut id quidem luce clarius exploratum est. Hinc cum carnalis copula, illius carnis communis, et matrimonii usus tantummodo existat, et absque carnali copulâ, illa conjugum carnis unitas effecta est, cur sine eâ pariter esse non potest? Tanto enim verius atque præstantius, illa carnis unitas, unitate communitatis effecta, unitatis nomine et ratione merito potiri debet, quanto si uterque conjugum, illius usu sese abstinet, sanctior semper atque purior efficitur, et si illius usus ab altero eorum petatur, denegari nequit, et nemini, utrisque eorum demptis, jure communicari potest, quod de aliâ re communi minime dici valet. At quoniam profiteamur virum et uxorem, pactione conjugali, non solum unam carnem fieri, verum et unam mentem, hoc tantummodo, eâ ratione, verum esse dicimus, quâ, viri, uxorisque mens et animus singularis dilectionis nexu, in unum sunt conjuncti. Non enim nuptiali fœdere, animorum fit translatio, sed corporum. At quemadmodum utriusque corporis transla-

tione, fit unitas carnis, ita singulari utriusque conjugum dilectione, fit unitas mentis. Et sicut propter primum, scriptura dicit, *Et erunt duo in carne una*, ita propter secundum ait, *Et adhærebit uxori suæ*. Clara est igitur, atque perspicua hujus articuli veritas, quâ dicitur,—Vir et uxor, solo fœdere nuptiali, Deo in primis operante, una mens et una caro fiunt. Et hanc veritatem, professus est doctor ille seraphicus, cum quaerit, an nuptiale vinculum sit corporum, vel animorum conjunctio. Ita dicit,—Vinculum matrimonii conjunctio est corporum et animorum, quandoquidem conjunctio est ratione utentium, et sexus diversos habentium. Et alio loco ait,—Matrimonii vinculum extrema habet ratione sexuum, qui quidem sexus, cum corpus et non animum spectet, ipsum matrimonii vinculum, potius corporum erit, quam animorum. Ricardo idem comprobante, qui de matrimonii substantiâ sermonem habens, dicit,—Matrimonium, ratione substantiæ, conjugium dicitur, a conjunctione dictum, et quamvis in aliis rebus conjunctio reperitur, in matrimonio tamen maxima est, cum in eo sit corporum et animorum conjunctio. Guillelmus autem Altisiodorensis, Theologorum antiquissimus, ait,—Cum enim sponsus et sponsa sint una caro, cujuscunque vir ejus compater efficitur, ejusdem uxor, seu sponsa commater effecta est. Nam sponsus et sponsa quidpiam spiritualitatis inter se habent. Sunt enim matrimonio conjuncti, quod est spiritualis matrimonii sacramentum. Quam quidem sententiam imitatus est Paulus de Castro. Et cum rursum, alio loco, idem Guillelmus quaestionem facit, an utraque conjunctio, scilicet, pactio nuptialis, et copula carnalis, aliud et aliud matrimonii efficiant sacramentum, an illæ duo simul unicum tantum, quaestionem solvens, ait,—Dicimus enim illas duas conjunctiones, et quoad effectum et quoad significationem unum esse matrimonii sacramentum, quoad effectum, quoniam illæ duæ conjunctiones, unam carnem efficiunt, et quoad significationem, quia Christi et ecclesiæ unionem præsignant. Cum igitur per carnalem conjunctionem, nulla alia efficitur carnis unitas, neque quoad matrimonii substantiam majus additur vinculum, uti Panormitano placet, et solâ pactione conjugali absque carnis admixtione, verum sit, atque perfectum matrimonii sacramentum, uti secundo demonstravimus articulo, si id veritatem habet, quoad significationem, quanto magis, quoad effectum; aliter matrimonium absque

Libro 4,
dist. 27,
ar. 1, q. 2,
ad ultimum.

Libro 4,
dist. 27,
ar. 3, q. 1,
fol. 53.

Libro 4,
dist. 27,
ar. 2, q. 2.

Libro 4,
tract. 9,
q. 7.

§ Solutio
matrimonio
L. rei
judicatae.
§ Socero.

Libro 4,
tract. 9,
q. 1.

De sponsa.
Licet.

- fol. 54. carnali copulâ verum atque perfectum non esset conjugium; quod omnino erroneum esse, superiori loco, demonstratum est.
- De bigam. Quare, vir et uxor, duo sunt in carne unâ, inquit Cardinalis ordin. De- Zabarella, et in uno proposito, illam carnis unitatem, in plures bitum. minime dividendi, ut unus sit unius, non solum, quod aliam non ducat, verum, nec ab illâ perpetuo dividatur. Quæ omnia plane, absque carnis admixtione perfici possunt. Et hanc quoque veritatem sectatus est Panormitanus, dicens,—Vir et uxor tametsi affines non sint, sunt tamen affinitatis causa, et ratio hujus dicti est, inquit, quoniam per connubium, vir et uxor una caro efficiuntur. Est enim connubium legitimi matrimonii jus, quo Connubium quid. conjugum mutuo liberoque consensu, corpus unius transfertur in potestatem alterius, sive carnis commercium sequatur, sive non. Quemadmodum igitur, connubio, sive nuptiali fœdere, vir uxori, et uxor viro proprios communicant consanguineos, ita connubio, vir uxori et uxor viro, proprium corpus vicissim donantes, cum inter eos, nulla penitus, hujusmodi donationis corporum virtute, oriri possit affinitas, e duabus tamen illa carnis efficitur unitas. Unde Chrisosthomus, Salvatoris verba, In Math. matrimonii institutionem referentis, exponens, ait,—Priscâ lege 19. jam adductâ, latoris autoritate, cum magnâ potestate, legem In Mar. 10. sanxit, dicens, *Quare non sunt duo, sed una caro*, quandoquidem nuptiarum præmium est, uti Bedæ atque Hieronimo placet, e duabus unam carnem fieri. Est igitur inconcussâ In Math. Jesu Christi interpretatione et sententiâ atque tantorum doc- 19. tissimorum virorum fideli testimonio, hujus articuli veritas comprobata, quâ decernitur, virum et uxorem, solo nuptiali fœdere, Deo in primis operante, unam mentem fieri et unam carnem. Fateor nihilominus plurima patrum decreta, et pene fol. 55. Theologos omnes, atque Juris pontificiî professores, affirmare, virum et uxorem carnali copulâ, duo in carne unâ effici. In quo autem sensu eorum dicta sunt intelligenda, cum duo opposita, de eâ re, nisi in vario sensu, simul esse vera non possint, audiamus glosam, Gregorii noni decretum in verbis legis *Et erunt duo in carne unâ* exponentem et dicentem,—Fictione juris, vir et uxor, una caro sunt, vel erunt duo in carne unâ, id est, in uno carnali opere, ad unam carnem, seu sobolem procreandam. Et ut commentum hujusmodi, quo decretorum sensus, circa hujusce carnis unitatem, e carnali conjugum copulâ ortam, clariori doctrinâ exprimamus, nemo ignorare
- 27 q. 2. Sunt qui dicunt.

debet, id omne quod latens est, et occultum, tametsi verum, iudicio tamen exteriori ecclesiæ, nullo quovis modo esse iudicandum. Sed ea duntaxat, ab ecclesiâ, iudicio contentioso decernuntur, Sixto Papa, Victore, atque Eleuterio comprobantibus, quæ iudiciis exterioribus, iudiciario ordine comprobantur, etiam si dubia, aut contra veritatem prorsus existant. Proinde ipsa ecclesia, in ejus foro exteriori et contentioso, quandoque præsumptionibus, interdum vero juris fictione, dijudicat. Unde Cardinalis Zabarella, Panormitanus, et Joannes de Turre Cremata, ex utriusque Juris professorum sententiâ, præsumptionem ipsam circa dubium esse affirmant, quando videlicet dubitetur, an aliquid sit, vel non sit, et est præsumptio in re dubiâ, alterius partis, autoritate legis, pro veritate acceptio, Gregorio non approbante. Præsumit enim semper ecclesia, exteriori ejus iudicio, necessitate ducta, cum de abditis judicare non possit, ex verbis expressis, aut ex carnali copulâ, viri et mulieris consensum adfuisse, etiamsi neutrius, aut alterius eorum consensus abfuerit; et hoc quidem in dubio, quoniam si ecclesiæ, sensibili signo, certum esset, atque manifestum, eos non consensisse, aut metum, vel quidpiam aliud plenum tollens consensum intervenisse, hujusmodi nequaquam uteretur iudicio. Fictio autem est circa id, quod est certum non constare, et fingimus extitisse, vel contra. Unde fictio semper est in contrarium veritatis, autoritate legis, pro veritate acceptio. Cogitur enim quandoque lex humana, super casu certo, ad oppositum veritatis judicare. Fingit enim monachum mortuum, Augustino teste, qui vere mortuus non est, et arbitrum absentem consentire, Bonifacii decreto, qui iudicio præsens est. Fingit captum ab hostibus et redemptum nunquam fuisse captum, et mortuum apud hostes primâ die captivitatis, fuisse mortuum, qui eo die mortuus non est. Ex quibus videri potest inter præsumptionem et ipsam fictionem, duplex esse discrimen, quoniam præsumptio semper fundatur in dubio, et probationem quandoque in contrarium admittit. Fictio autem super falso semper fundatur, et probationem in contrarium non admittit. Sicut ergo lex humana et iudicium ecclesiæ, præsumptionibus innitendo, ex carnali copulâ, matrimonium esse dijudicat, quod vere non est, et ex copulâ quoque carnali licitâ et illicitâ, affinitatem oriri affirmat, quæ ex eâ orta non est, ita ex carnali copulâ legitimâ pariter et illegitimâ, juris

30 q. 5.
Si quis.
§ His ita, et
§ Incerta,
et can. Ju-
dicantem.

De spons.
Is qui.
Dist. 50.
Ferrum.

Præsump-
tio quid.

De spons.
Is qui.

fol. 56.

Fictio quid.

In sermone
de com-
muni vitâ
clericorum.
12, q. 1.
Non dicatis
§ De cap-
tivis per
totum.

Fictionis
et præ-
sumptionis
discrimen.

fictione, virum et uxorem, atque fornicarium et meretricem, duo in carne unâ effici asseverat. Lex autem divina, quæ ejus judicio, juris fictione et præsumptionibus minime eget, secundum nudam et sinceram veritatem, singula judicat et decernit. Proinde, quoniam verbo Dei, quo mundus creatus est, et cœli firmati sunt, quo dixit, et omnia facta sunt, dictum est, *Et erunt duo in carne unâ*; Et rursum *Itaque jam, non sunt duo, sed una caro*; Quæ quidem verba, cum incommutabilem habeant veritatem, de illâ conjugum carnis unitate intelligenda sunt, quæ divinâ virtute, et nuptiali fœdere, absque ullâ fictione orta est; Ecclesia nihilominus, quæ ea, quæ apparent duntaxat, et non occulta, judicare valet, quâdam epichæ et æquitatis necessitate, ob humanorum casuum varietatem, mota, juris fictione interdum utitur, et ex carnali copulâ, licitâ pariter et illicitâ, contra veritatem, illam carnis unitatem oriri fingit. Et quamvis ecclesia præsumptionibus et juris fictione, contra rei veritatem judicet, inquit Bonaventura, non tamen contra veritatem justitiæ, quæ secundum manifesta et probata et non secundum abdita, judicare potest. Quoties igitur patrum decreta, et Theologorum atque Canonistarum scripta affirmant, virum et uxorem ex carnali copulâ, unam carnem, et duo in carne unâ fieri, tunc secundum juris fictionem contra veritatem, pro veritate, in judicio exteriori intelligenda sunt. Non enim in foro Dei et conscientiæ, secundum rei veritatem, patrum canones, et Theologi, atque Juris pontificii professores, tunc locuti sunt, sed in foro ecclesiæ tantum, quod quidem et præsumptionibus et juris fictione plurimum eget. Vel eorum dicta intelligi possunt, prout decreti Gregorii noni glosa, sub alterâ parte disjunctive explicando, intelligenda esse declarabat, uti paulo ante diximus, virum scilicet et uxorem, carnali copulâ, duo esse in carne unâ, id est, in uno carnali opere, ad unam carnem, seu sobolem procreandam; cui intelligentiæ et sensui Lyranus ipse, Antoninus Florentinus et plerique aliorum, firmâ sententiâ adhæsere, quandoquidem vir et uxor ad unam prolem procurandam conjunguntur. Quando autem scripturis sanctis et patrum decretis, aut Theologorum atque Canonistarum dictis, percipies virum et uxorem, nuptiali fœdere, duo in carne unâ fieri, tunc ea, absque juris fictione, pro sempiternâ veritate in foro Dei, necessario sunt intelligenda; quando præsertim, scriptura sancta, et divina lex matrimonii

fol. 57.

Libro 4.
dist. 26.
ar. 2, q. 2.27 q. 2.
Sunt qui
dicunt.In Gen. 2.
3 par. tit.
1. c. 2.

fol. 58.

substantiam, et ea quæ ad ejus quoque substantiam spectant, unice considerat, humanâ lege, matrimonii usum, et non ejus substantiam, spectante. Hinc divina lex, obfirmatâ sancti conjugii substantiâ, mox scripturâ dicit, — *Quam ob rem, relinquet homo patrem suum et matrem, et adhærebit uxori suæ, et erunt duo in carne unâ.* Nam divinâ virtute et spontaneo conjugum assensu matrimonii substantiâ, et vinculo nuptialis fœderis inito, absque carnis admixtione, hæc tria consequuntur, quoniam vir et uxor parentum amorem affectui conjugali postponendo, patrem relinquunt et matrem, et conjugalem dilectionem parentum affectui præferendo, uxor viro et vir uxori mutuo singularis dilectionis adhærent vinculo. Et vir denique uxori, et uxor viro, proprii corporis potestatem vicissim donantes, illâ carnis unitate inter eos effectâ, jam non sunt duo, sed una caro. Hujusmodi dilectionis viri et uxoris perfectionem, atque mirabilem illorum carnis unitatem cernens Apostolus, per dilectionis analogiam, quæ est inter Christum Eph. 5. et ecclesiam, manifestat. Et nullâ carnis admixtionis habitâ memoriâ, capitis onus tantummodo tangit et officium, quo, caput salvat corpus et corpori præest, ut quemadmodum Christus fol. 59. ecclesiæ caput ecclesiam salvat, ita vir uxoris caput, ejus uxorem veluti proprium corpus et propriam carnem salvare haud negligat. *Qui suam uxorem diligit, inquit Paulus, seipsum diligit. Nemo enim unquam carnem suam odio habuit Eph. 5. sed nutrit et fovet eam, sicut et Christus ecclesiam.* Et sicut Christus ecclesiæ caput, se ipsum obtulit, ut eam absque maculâ sanctam redderet, ita et vir pro uxore seipsum offerre debet, ut eam sanctam, innocentemque conservet, quæ tanto sanctior est, atque perfectior, quanto in solâ Dei et proximi dilectione fundata, ab omni prorsus libidinis concupiscentiâ et carnis concubitu est aliena. At quoniam divina lex, quæ Deus est, sacri matrimonii usum atque eum finem propter quem, primos parentes, eo nuptiali fœdere et vinculo conjunxit, et reliquos pariter conjungit, ex alto prospexit, illis benedicens, ait *Crescite et multiplicamini et replete terram, veluti et avibus cœli, et Gen. 2. piscibus maris, atque jumentis terræ, eandem conjunctionis carnis et fœcunditatis benedictionem Deus perantea dedit, dicens, Crescite et multiplicamini et replete terram et aquas Gen. 2. maris; ut secundum illam misericordiam, quâ Deus homines salvat, et jumenta quoque salvet, Aperit enim manum suam, Psa. 164.*

inquit propheta, *et implet omne animal benedictione*; cum igitur carnis admixtionis fecunditatisque benedictio, non solum hominibus, verum etiam et avibus et jumentis, et piscibus a Deo collata sit, quæ et matrimonii usum, et ejus fructum quoad humanam speciem, his scripturæ verbis exprimitur, *Crescite et multiplicamini et replete terram*; cur scriptura homini solum, et non avibus, jumentis et piscibus rursum diceret, *Propter hoc, relinquet homo patrem et matrem, et adhærebit uxori suæ, et erunt duo in carne unâ*, nisi quia aves, jumenta et pisces, tametsi carnis admixtione simul et fecunditate, veluti homines, potiantur, nuptialis tamen fœderis et sacri conjugii nexûs minime sunt capaces? Neque avibus prodest, ut conjugio potiatur earum indivisa societas, atque fides, de quâ Ambrosius ait, — Discite viduitatis gratiam, quæ etiam in avibus prædicatur. Sicut ergo inter bruta, quæ carnis admixtione simul et fecunditate gaudent, nuptiale fœdus et conjugium esse nequit, ita nec affinitas, nec illa carnis unitas esse potest; soli tamen homini dictum est, *Propter hoc, relinquet homo patrem et matrem, et adhærebit uxori suæ, et erunt duo in carne unâ*, quia vir tantummodo et mulier, sacratissimi conjugii capaces, eo vinculo, ante omnem carnis admixtionem, duo in carne unâ efficiuntur, quâ carnis unitate firmatâ, illius usu, tum ad sobolis propagationem, tum ad concupiscentiæ refrigerium sanctissime frui possunt. Et quemadmodum bruta, absque conjugio et fœdere nuptiali, coitu et fecunditate oblectantur, ita vir et uxor, absque carnis concubitu solo nuptiali fœdere, una mens et una caro effecti, Deo, pudicitiae^a et virtutibus perfruuntur, veluti ex Mariæ et Joseph ac plerorumque aliorum sanctissimo conjugio, facile est contemplari. Nam sicuti Angelus Mariam et Joseph, ita Christus Adam et Evam, atque cæteros conjugio idoneos, solo nuptiali fœdere junctos, matrimoniique usûs expertes, veros conjuges esse comprobârunt, quorum divisos animos, separatasque carnes, fœdere nuptiali tantum, in unam carnem et unicam mentem Deus conjungit. Verum quia Paulus dicit, *An nescitis quoniam, qui adhæret meretrici, unum corpus efficitur. Erunt enim duo, inquit, in carne unâ*, Quibus verbis, videtur Apostolum velle, fornicarium et meretricem solâ carnis admixtione, unam carnem, et duo in carne unâ fieri; quod si ex copulâ

In exa-
meron.
fol. 60.

Cavillum.
2 Cor. 6.

^a This appears to be a mistake for *pudicitia*.

carnali non legitimâ, ita foret, quanto magis, legitimo carnis amplexu, verum id esset? Huic igitur ambiguitati satisfacere, et Pauli verborum intelligentiam adaperire, cupientes, cum ex his quæ dicta sunt, clarissime ostensum sit, conjuges, non carnis coitu, sed fœdere nuptiali, unam carnem, et unam mentem fieri; ante omnia, neminem latere debet, corporis usum solius Cavilli solutio. fol. 61. vinculi nuptialis fœderis virtute, utrique conjugum jure quidem vicissim posse communicari. Verum, quia illa mutua utriusque corporis conjugum donatio, quâ neuter eorum propriam retinet carnem, sed e duabus unam sibi ipsis communem uterque facit, et illius usum, non nisi per carnis commixtionem, eorum neuter habere potest; ex eo quidem, cunctis videre videtur, illam carnis unitatem, corporis oculis invisibilem, a carnali copulâ potius quam a nuptiali fœdere originem habere. Nam et nuptiale fœdus, sive matrimonii vinculum, veluti et ipsa carnis unitas corporeis oculis videri nequit. Carnalis autem copula, quæ matrimonii usus est tantummodo et actus, humanis plane plurimum subjacet sensibus. Propterea diximus ecclesiam, quæ non nisi de apparentibus in foro contentioso judicare valet, juris fictione, contra veritatem, illam carnis unitatem non ex fœdere nuptiali, sed ex carnis admixtione, esse inductam asseverare. Nam ecclesia, inquit Ricardus, signo tantum sensibili matrimonium esse dijudicat, veluti plane et illam carnis unitatem, carnis admixtione solum esse decernit. Libro 4, dist. 27, ar. 1, q. 1. Et quoniam fornicationis actus, ejusdem speciei secundum naturam cum matrimonii usu plane existit; eâ duntaxat analogiâ forte Paulus dixit, fornicarium et meretricem, carnali commertio, unum corpus effici et unam carnem. Non tamen propterea, meretricis caput fornicator existit, et ipsa corpus; quandoquidem hii, et nullo quovis jure commisceri possunt, et nullo inseparabili vinculo copulantur. Quippe, si carnis illicita commixtio, illam carnis unitatem efficeret, quoties vir, aut mulier pluribus misceretur, tunc plures duobus essent, in carne unâ constantes; quod quidem a veritatis scopo alienum est, cum scriptura dicat, *Et erunt duo in carne unâ*. Non enim dixit, *Et erunt tres*, vel plures tribus, in carne unâ. fol. 62. Proinde, non puto Paulum, ex verbis ejus, jam adductis, illam tantum concepisse, uti diximus, unitatis analogiam; sed alio certe, ni fallor, ex verbis assumptis, tendit ejus mens et intentio; quando et Christum præsertim, illa legis verba, *Et erunt duo in carne unâ*, non de

fornicariis, sed de conjugibus tantummodo, inseparabili nexu junctis, pronuntiâsse non ignoramus, cujus verbum immutabile manet in æternum. Si volumus, igitur Pauli verborum vero sensu potiri, ipsummet audiamus, paulo superius eo in loco, propriâ interpretatione, nobis illum explicantem. *Nescitis, inquit, quoniam corpora vestra, membra sunt Christi. Tollens ergo membra Christi, fac membra meretricis? Absit.* Et quis audiens non contremiscat, inquit Theophilactus, Christi membrum, a Christo divulgum in meretricis membra converti, quando ex libidinis commertio, fornicator et meretrix unum fiunt. Abscindit enim se a corpore Christi, qui junctus est meretrici. At quânam unitate fornicator et meretrix, eo carnis commertio unum fiunt? Audi quæ in eandem Pauli epistolam Ambrosius dicit,—Qui contaminationi se admiscet, unum fit, cum eo cui se admiscet. Fornicatio enim ambos unum facit, ut quomodo in naturâ, sic et in maculâ unum sint. Percipis ergo verborum Pauli clarum intellectum, et quonam ex verbis illis sincera ejus tendit intentio; quandoquidem fornicator et meretrix, unum in naturâ constantes, eâdem carnis commixtione secundum naturam cum ipso actu conjugali, unum quoque in maculâ fiunt, quod plane de conjugibus sacri connubii usu legitimo fruentibus nequaquam dici potest. Eo fit, ut carnis conjugum admixtio, licet illam fornicationis maculæ unitatem ab eis procul abjiciat, nullo tamen quovis modo eos, duo in carne unâ, absque fœdere nuptiali, efficere possit. Quare, vir et mulier, carnis commertio tantum, duo in carne unâ minime efficiuntur, nisi contra veritatem, Juris fictione utentes, illam carnis unitatem, ex carnali copulâ inductam esse asseverare velimus; quandoquidem solo fœdere nuptiali, vir et uxor, duo sunt in carne unâ, veluti et Christus, illa legis verba, animo et vivæ vocis oraculo tractans, cum magnâ potestate expressius dicit, *Quare jam non sunt duo, sed una caro.* Neque in hoc, legis sermonem firmavit, sed continuo intulit, *Quod ergo Deus conjunxit, homo non separet.* Audisne Christum qui cum sit summa et incommutabilis veritas, nuptiale fœdus et vinculum, a Deo et non ab homine affirmat, inseparabili nexu ab initio esse institutum. Non enim scriptura dicit quos, sed *quod Deus conjunxit, homo non separet*, quoniam divina lex jubet nuptiale fœdus, quo vir et uxor, veri conjuges, et una caro fiunt, ab homine solvi non posse. Nam cum a Deo

1 Cor. 6.

In eandem
Pauli epi-
stolam.

fol. 63.

suam habeat substantiam, auctoris sui, Panormitano teste, Hostiensem allegante, sequitur conditionem. Qui cum sit immutabilis, et nuptiale vinculum pariter immutabile erit. Alii enim contractus humani, qui ab hominis voluntate variabili, tantum dependent, mutari solvique possunt. Contractus autem illi, qui eorum substantiam et conditionem a Deo suscipiunt, ab homine solvi nequeunt. Et quis tantæ temeritatis esset, ut conjunctum a Deo, separare, aut ab eo sejunctum, copulare præsumeret? De hoc enim vinculo, non solum Christus, verum et Paulus dicit — *Propter hoc, inquit, relinquet homo patrem et matrem suam, et adhærebit uxori suæ, et erunt duo in carne unâ. Sacramentum hoc magnum est. Ego autem dico, in Christo et in ecclesiâ;* illo quidem pronomine, hoc, vinculum De spon.
duorum.
Tuas. fol. 64.
nuptiale duntaxat, et non carnalem copulam demonstrante. Quod fœdus et vinculum propterea Paulus magnum appellat sacramentum, quoniam, et sacri conjugii continet substantiam, quæ separari nequit, atque illam carnis et animi unitatem nec non et occultam, adventitiamque Christi et ecclesiæ conjunctionis significationem et gratiam. Nam matrimonii fœdus et vinculum, et secundum naturæ et gratiæ conditionem, verum atque perpetuum legis evangelicæ est sacramentum, veluti et baptismus universo orbi a Christo exhibitum, sive, ex eo fœdere, illius usus et carnis sequatur commixtio, sive non. Unde Libro 4.
de sacra-
mentis.
Adriani sexti sententiâ, dicimus sacramentum matrimonii, prout est rei sacræ signum et conferens gratiam, tam fidelibus quam infidelibus a Christo esse collatum. Nam sicut priscâ Dei institutione, matrimonii sacramentum omnibus fuit, est, et erit conjunctionis Christi et ecclesiæ signum, Innocentio De divor-
tiis. Gan-
demus.
tertio confirmante, ita Christi novâ institutione, omnibus est et erit, invisibilis gratiæ signum. Non quidem, ut eam quam in se gerit et signat, omnibus conferat gratiam, sed his duntaxat, qui divinæ gratiæ, cordis posticulum reserare non negligunt. Fideles enim peccato obnoxii, pariter et infideles, si eucharistiæ sacramentum sumant, tametsi verum sacramentum invisibilis gratiæ signum plane accipiant, gratiam tamen, quam illud quidem gerit et signat, minime recipiunt, quandoquidem sacramentum duntaxat, et non sacramenti rem contentam et signatam prorsus suscipiunt. Itaque unicum atque perpetuum omnibus est matrimonii sacramentum, et divinæ gratiæ et Christi et ecclesiæ conjunctionis inseparabile signum, quod

fol. 65.

Libro 4,
dist. 26,
ar. 4, ad
2^m, et ad
4^m.

In Math.
19.

In Mar. 10.
Libro 4,
dist. 27,
ar. 3, q. 1.

De spons.
duorum.
Tuas.

fol. 66.

De conver.
conjugat.
Ex publico.

25 q. 2.
Sunt qui-
dem.

quidem ante omnem carnis admixtionem, legitime et sancto contrahentibus, ex gratiâ in eo collatâ, quam ipsum signat et continet, in carnis concupiscentiâ datur remedium. Et hæc significatio rei contentæ, inquit Thomas, sacramento matrimonii necessaria est, ad quam carnis admixtio minime pertinet. Vides ergo, quoniam nuptiale fœdus, absque carnis coitu, divinâ institutione, et gratiam, rem contentam, et conjunctionis Christi et ecclesiæ typum, rem non contentam, gratiæ conditionem, atque matrimonii substantiam, naturæ conditionem quæ ab homine separari non potest comprehendens, repræsentat. Quare non immerito Christus dixit, *Quod Deus conjunxit, homo non separet*. Cujus verba Hieronimus et Beda tractantes, aiunt,—Nam quæ Deus conjunxit, viri et fœminæ unam faciendo carnem, hæc homo separare nequit. Matrimonii enim vinculum, inquit Bonaventura, usque adeo conjugibus vitam agentibus separari non potest, ut ipsis, vel eorum altero duntaxat decedentibus, merito solvi possit, quoniam vinculum non manet, nisi illius vinculi extremis una constantibus. Et licet matrimonii usus simul et cohabitatio, quæ in conjugum sunt potestate, secerni possint, vinculum tamen, quod Deus instituit, nunquam ab homine dividi potest. Cur ergo gratis, omnes pene Juris pontificii-professores, hominum commentis solum innitentes, contra evangelii veritatem affirmant, matrimonium non consummatum Romani Pontificis autoritate, solvi posse, Theologis omnibus, atque Canonistis quibusdam una reclamantibus, ac si profecto in hominis esset potestate, evangelium simul et Christi fidem funditus evertere, quandoquidem Jure pontificio præsertim, sancitum est, matrimonium secundum consummatum, primo nondum consummato haud esse præferendum, cum primi matrimonii vinculo, teste Panormitano, uterque conjugum jus habeat in alterutrum, et secundum matrimonium, in Juris alteri quæsito præjudicium nequaquam fieri posse non dubitemus? Hinc, alio loco, Panormitanus affirmat, matrimonium non consummatum juris divini esse, et Pontificem Romanum illud non posse dissolvere, cum ea, quæ juris divini sunt, tollere non possit, quoniam in hoc, Urbano Papâ comprobante, potius diceretur errare, quam legem statuere. Unde Petrus de Palude, Theologis omnibus sibi adhærentibus, concludit, Pontificem Romanum, in matrimonio non consummato dispensare non posse, quoniam matrimonii vinculum tollere

non potest. Nam quemadmodum, illius autoritate fieri nequit, ut hostia semel consecrata, remanentibus accidentibus, desinat esse consecrata, ita ejus autoritate fieri non potest, ut matrimonii vinculum, inter personas conjugio idoneas, semel contractum, ipsis vitam agentibus, esse desinat; quando præsertim, etiam non potest, circa uxorum pluralitatem contra legem naturæ cum aliquo dispensare. Et certe in hoc, maxima est veritatis apparentia. Nam cum relatio, ut aiunt, paternitatis, sit quoddam ens reale tantummodo respectivum, secundum naturam productum, quod quidem semper manet, constantibus extremis, et illud nuptiale fœdus, sive vinculum, non modo respectivum ens, sed absolutum, in utriusque conjugis animâ, Paludano comprobante, a Deo sit productum, cum sit quædam animæ dispositio, ipsam disponens ad gratiam, et in eâ ornatum imprimens, cujus virtute, inter virum et uxorem major efficitur unitas quam relatione illâ, inter patrem et filium; mirum profecto esset, si Romani Pontificis autoritate, id quod naturâ et verbo Dei maxime productum est, tolli posset, quandoquidem illud divinum verbum, humanâ carne relatum, quo omnia Deus creavit, ita aperte consultum sanxit, *Quare, jam non sunt duo, sed una caro. Quod ergo Deus conjunxit, homo non separet.* Quo certe satis non possum non admirari, Thomam Caietanum, virum quidem nostro sæculo, et honore et doctrinâ celeberrimum, qui relictis Theologis, et solido sanctorum scripturarum fundamento posthabito non modo cum Juris pontificii professoribus affirmat, Romanum Pontificem posse matrimonium non consummatum diluere, verum etiam et solâ conjugum discordiâ, adulterium pariter et homicidium evitandi gratiâ, posse matrimonium inter fideles consummatum dirimere, necnon et carnali uxoris fornicatione, Christiano licere, illam dimittere, et aliam ducere, ac si vellet, et repudiî libellum, a Christo diu revocatum, judaizando, renovare, et Pontificis Romani auctoritatem adversus Christi evangelium statuere, et id omne tandem, quod precioso Christi sanguine plantatum est, hujusmodi potestate, radicitus demoliri posse. Quamvis enim infidelium matrimonia consummata, casu aliquo solvi possint, veluti et fidelium matrimonium nondum consummatum per religionis ingressum solvi posse ecclesia fateatur; non tamen propterea ex his concludi potest, Romanum Pontificem posse matrimonium non consummatum pariter et consummatum dis-

Libro 4,
dist. 31,
q. 1, ar. 3.
con. 2.

fol. 67.

In quodlibetis,
q. 9. in
materiâ de
matrimonio.

In Math.
19.

solvere, quemadmodum ex fundamentis hujusmodi, is quidem nititur concludere. Fateor quidem ob fidei fornicationem, carnali deteriorem, infidelium matrimonia solvi posse, quando alter conjugum maxime, ad Christi fidem se recepit, altero in infidelitatis pertinaciâ, cum Salvatoris, ac fidei contumeliâ permanente, Apostolo Corinthiis scribente, *Si infidelis discedit, inquit, discedat. Non enim servituti subjectus est frater, aut soror in hujusmodi. In pace enim vocavit nos Deus.* Est enim apud infideles et secundum naturæ et gratiæ conditionem matrimonium verum atque perfectum, quia tamen absque Salvatoris fide est, separari potest, et ratum non est. Quorum matrimonio, prolis susceptio est, sed non ad divinum cultum, et est fides, non quidem ad Deum sed ad hominem tantum. Et licet homini data fides, atque prolis expectatio, conjugum carnis concubitus a peccato eximat, meritum tamen nequaquam illi præbet. Et quemadmodum divinus cultus, et Christi fides, matrimonii vinculum usque adeo firmat ut nullo quovis modo separari possit, ita sola salvatoris contumelia, matrimonium solvit. Non est igitur Pauli aut cujusvis hominis, sed Dei autoritas quæ infidelium matrimonia dirimit. Jusserat enim Deus per Moysen, ob infidelitatis discrimina, nequis uxorem duceret infidelem. Præcepit quoque per Esdram, ut fideles viros, uxoribus alienigenis jam matrimonio junctos, quarum suasu et maliciâ post Deos ibant alienos, separaret. Permisit Joseph cum Ægyptiacâ, Moysen cum Æthyopiâ, Salmon cum Raab, Booz cum Ruth, Hester cum Assuero, absque fidei contumeliâ matrimonium contrahere. Quare tametsi Christus evangelio non jusserit, hujusmodi infidelium matrimonia dirimere, veluti et Christianorum matrimonia mandavit non esse solvenda; Paulus tamen, non humanâ, sed divinâ potius permissione et internâ revelatione, ob fidei tantum discrimina, hujusmodi infidelium matrimonia solvit et absque Salvatoris injuriâ, fidelem cum infideli matrimonio junctum, vitam agere permisit.

Percipis igitur matrimonii vinculum cum a solo Deo sit institutum, ab eodem quoque duntaxat et non ab homine esse solvendum. Verum quoniam ex eo vinculo, mutua quædam conjugum oritur obligatio matrimonii effectum, carnisque admixtionem concernens, quâ, uterque eorum devincitur carnis concubitus exigenti reddere, et alieno thoro non

1 Cor. 7.

fol. 68.

Exod. 23.

34.

Deut. 7.

1 Esdræ,

9. 10.

Ruth. 4.

Hester 2.

communicare, tametsi obligationem hujusmodi, a matrimonii substantiâ distinctam, ecclesiæ autoritas tollere valeat, ipsum fol. 69. tamen matrimonii vinculum dirimere nequit. Non enim ecclesiæ autoritas constantem sacramentorum substantiam abrogare potest. Quemadmodum igitur tota ecclesia, Paludano teste, nec baptismi characterem animæ sculptum, nec verum Christi corpus, in altaris sacramento, incorruptis accidentibus, demere potest, ita viventibus conjugibus, matrimonii vinculum in eorum animâ impressum auferre nequit. Potest tamen illam matrimonii obligationem, carnis concubitus concernentem tollere, quando conjuges, proprium filium, absque necessitate e sacro fonte levantes, aut quispiam uxoris suæ consanguineam agnoscens, solo ecclesiæ statuto, conjugalem amplexum jure petendi, matrimonii vinculo non soluto, privantur. Quo plane dignoscitur, ecclesiam posse matrimonii obligationem, e vinculo ortam, et non matrimonii vinculum dirimere. Fateor demum decretis patrum, jure cautum esse, matrimonium non consummatum, per religionis ingressum, altero etiam conjugum repugnante solvi posse. Et hæc quidem patrum decreta tametsi plane percipiamus, illorum nihilominus causam et rationem, Durando innuente, claram adhuc omnino non videmus, quandoquidem, nec votum ipsum, nec totius ecclesiæ autoritas ipsum matrimonii vinculum semel legitime contractum dirimere potest. Nam id quod a Deo ipso institutum est, et firmatum, nullâ voluntate humanâ aut voto dirimi abrogarique potest. Unde Hieronimus de eâ re loquens, ait,—Periculose promittitur, quod in alterius potestate est, et nescio quam grata sit donatio, quando res offertur aliena. Talia enim a conjugatis vovenda non sunt, inquit Augustinus, nisi ex conjugum communi consensu. Neque enim Deus exigit, si quis ex alieno aliquid voverit, sed potius alienum usurpare vetat, quando de hæc re divina quippe per Apostolum prolata est sententia, *Vir potestatem sui corporis non habet, sed mulier*, et contra. Nam hii qui in alterius potestate sunt, vovere non possunt, nec voto in his sese obnoxios reddere, in quibus alteri subjiuntur. Ea propter si servus qui in potestate domini est religionem nequit intrare, nec aliud votum emittere, quo a domini obsequio subtrahi possit, cur alter conjugum, absque alterius consensu, inter quos major est obligatio et vinculum, continentiae votum poterit profiteri? Et si filiorum

De conver.
conjug. Ex
publico, et
c. verum, et
c. ex parte.

Libro 4,
dist. 27.
q. 2, ar. 2.

In epistolâ
ad Celan-
tiam.

In epistolâ
ad Armen-
tarium et
Paulinam.
33 q. 5.
Una.

2 Cor. 7.
fol. 70.

- quispiam, qui votum jam emisit claustrum ingrediendi, patris tamen necessitate ingenti reclamante, illius ingressum, ut patri subveniat, concilio Gangrensi decernente, omittere devincitur, quomodo igitur alter conjugum, altero repugnante soluto matrimonii vinculo, continentiae votum poterit profiteri? quando præsertim matrimonii vinculum et obligatio, voti et parentum obligatione major existat, et obligatio minor semper majori cedit. Neque id obviat, quod plerique dicunt, ante carnis admixtionem, neutrius conjugum corpus sub potestate alterius esse translatum, et hujusmodi translationem tunc esse completam, dum uterque conjugum sibi traditæ potestatis possessione, carnis concubitu, vicissim potitur. Nam cum Apostolus dicat,—
- Dist. 30.
Si quis.
- 1 Cor. 7. *Uxori vir debitum reddat, similiter et uxor viro*, et ante carnis admixtionem, vir et mulier, solo fœdere nuptiali, veri conjuges sint effecti, cur illo quoque duntaxat fœdere, unius conjugum corpus in alterius potestatem vicissim non transfertur? quandoquidem conjugalis lex, secundum Apostoli sententiam, est,
- Cavillum.
- 1 Cor. 7. ut vir uxori, et uxor viro debitum reddat. *Mulier enim*, inquit Paulus, *alligata est legi*, id est conjugali. Nec immerito glosa, Isidori dictum, jure expressum, exponens, ait,—Nec prima servitus, nec primus coitus, gratuitus est, sed debitus,
- Libro 9.
Ethim.
27 q. 2.
Conjuges.
fol. 71.
- quando mox post pactionem de præsentī, uterque conjugum devincitur, et carnalem amplexum petenti reddere, et alieno non communicare. Unde et Paludanus ait,—Solâ pactione de præsentī, sine carnis concubitu, mutua corporum transfertur potestas, veluti, si quispiam alteri donat equum, sat est, ut donatio sive donum illud valeat, illum tradere; nec opus est, per usum, ad quem equus ordinatus est, eum, cui equus donatus est, in equi possessionem reponere. Hinc et Panormitanus clarissime affirmat, solo conjugum mutuo assensu, ita esse utriusque corporis plenum jus vicissim translatum, ut corporis usus, et traditio nil penitus addat, et Hostiensis sententiam in medium adducens, ait,—Cum enim matrimonium spirituale sit, absque ullâ exteriori executione, solo consensu perficitur. Et id pro infallibili regulâ, inquit, habeas, quoniam in spiritualibus plenum jus, solo titulo, Bonifacio octavo confirmante, semper translatum est. Et alio loco Panormitanus habet,—Solâ pactione, inquit, de præsentī, matrimonio contracto, potest alter conjugum ad petitionem alterius, ad carnis concubitum compelli. Et licet non sit adhuc habita possessio, jure tamen
- De spon.
duorum.
Tuas.
- De præbend.
[Si] tibi
absenti.
L. 6.
De condit.
apposit.
Super eo.

consensu quæsito, ad carnis amplexum agi potest, Antonio de Butrio dicente,—Nota, inquit, apertum esse, quoniam, ut quis veram possessionem verumque titulum in conjugio habeat, sufficit matrimonium absque carnali copulâ, pactione solâ de præsenti, Innocentii tertii decreto, concludere. Quorum doctrinâ, facile est intueri, matrimonium non consummatum, ratione voti, sive simplicis aut solemnitis, cum solempne votum super simplici nil prorsus nisi humanum addat, solvi non posse; quando conjuges, præsertim ante carnis admixtionem ex communi assensu consensu continentiam voventes, matrimonii vinculum inter eos initum, ipsis etiam religionem intransibis, minime solutum est. Nam ecclesia, e claustro necessitate impellente, ad seculum illos revocante, absque novo matrimonii contractu, eosdem conjugali simul copularet affectu. Et Maria virgo et Joseph, qui consensu communi, uti Hieronimo et plerisque placet, virginitatem vovere, ad mortem usque matrimonii vinculo non soluto, virgines simul permansere. Unde Christi passionis tempore, Joseph vincitur vitâ functum fuisse, quando mater virgo Joanni fuit commendata. Quod quidem Christus minime fecisset, si Joseph tunc temporis vitam egisset, quando ante Christi conceptionem, et in ejus nativitate, neonon deinceps, per multa temporum curricula, virgo virgini fuerat divinitus matrimonio copulata. Proinde, matrimonii vinculum ante omnem carnis concubitum, neque voto, neque aliâ quâvis ope humanâ, viventibus conjugibus, solvi potest; quando ex matrimonii diffinitione, ejus substantiam explicante, præmissum est,—Matrimonium est viri mulierisque conjunctio maritalis, inter legitimas personas, individuum vitæ consuetudinem retinens. Non voto igitur, minusque ecclesiæ statuto, matrimonium non consummatum per religionis ingressum solvi potest. Sed divino tantum imperio, e sanctorum exemplis percepto, veluti de Joanne evangelistâ e nuptiis per Christum ad cælibem vitam evocato, et de Machario heremitâ præcipuo, neonon et beato Alexio, plerique id factum fuisse affirmant, qui ex nuptiis, divinâ gratiâ, vocati, relictis eorum sponsis, nudi Christo famulari cœperunt. Quorum occasione et exemplo nonnulli Pontifices Romani, decreto speciatim sanxere, conjuges ante carnis concubitum per religionis ingressum separari posse, universali ecclesiâ demum approbante. Non quia alterius aut amborum conjugum voto, seu ecclesiæ statuto, hujusce matrimonii vin-

De eo qui cognovit. Discretio-nem.

De rest. spoliât. Ex parte.

fol. 72.

Adversus Helvidium.

fol. 73.

27 q. 2.
Sunt qui
dicunt.

De conver.
conjug. Ex
publico.

fol. 74.

culum solvatur, sed divinâ solum autoritate dirimitur. Unde Joannes de Turre Cremata, Theologorum et Bonaventuræ doctrinam præsertim sectatus, ait,—Cum matrimonii vinculum, per religionis ingressum solvatur, non quidem ab homine, sed a Deo ipso separatur, cujus splendore et gratiâ illuminati, continentis votum ei offerendo præmittitur. Qui cum sit matrimonii consummati æque et non consummati autor, illius imperio et autoritate, Cardinali Zabarellâ innuente, utrumque solvi potest. Quo plane liquet, rationem illam, e matrimonii nondum consummati, et consummati, variâ significatione sumptam, nullius esse ponderis et momenti. Sive enim matrimonium non consummatum, charitatem inter Deum et animam fidelem, quæ interdum separatur, sive charitatem illam, inter Christum et ecclesiam, quæ omnino separari nequit, significat; et matrimonium quoque consummatum, illam divinæ et humanæ naturæ unionem hypostaticam, quæ ab invicem secerni minime potest, repræsentet; matrimonio nondum consummato pariter et consummato, divinâ autoritate, soluto, tametsi quidem, quod significat, tolli possit, significatum tamen dirimi tollique nequit. Matrimonio enim gratia et charitas præsignatur. Unde nil absurdum plane efficitur, si ante vel post carnis commercium, conjugibus claustrum ingredientibus, Divinâ autoritate sublato signo, signatum non tollatur, sed augeatur, quando maxime significatum hujusmodi quispiam non violat, qui in melius toto animo commutare satagit. Et quemadmodum humanâ spe signatum tolli nequit, ita nec signum, cum utrumque a divinâ institutione originem trahat. Et cum matrimonium consummatum, divinâ ordinatione formatum, humano imperio solvi non possit, cur matrimonium non consummatum, a Deo pariter institutum, humanâ tantum autoritate solvi poterit? quando præsertim inter utrumque, quoad matrimonii substantiam et autorem, nullum quippe constat esse discrimen, solo inquam discrimine quodam adventitio inter utrumque existente. Non est igitur Juris Pontificii professorum sana tutaque sententia, dicentium Pontificem Romanum posse matrimonia nondum consummata dirimere. Et id quidem deterius est, quod ex Thomæ Caietani scriptis accepimus, Romanum Antistitem posse connubia fidelium consummata, ob discordiam inter conjuges ortam, dissolvere, et ob carnalem quoque uxoris fornicationem, Christiano licere illam dimittere et aliam ducere.

Non enim ipsiusmet scripta contradictionem plane implicantia, atque singula scripturarum loca, æquâ lance libravit, quando Salvator apertissime dixit, *Omnis qui dimittit uxorem suam et* Luc. 16. *alteram ducit, mæchatur; et qui dimissam a viro ducit, mæchatur*, Apostolo gentium, Jesu Christi mandatum promul- 1 Cor. 7. gante; *His qui matrimonio*, inquit *uncti sunt, præcipio, non ego, sed Dominus, uxorem a viro non discedere; quod si discesserit, manere innuptam, aut viro reconciliari*. Quibus verbis constat manifeste, matrimonii vinculum, inter conjuges, ipsis discordiâ aut fornicatione a thoro et cohabitatione divisus, solvi non posse, neque eis licere alienis amplexibus uti; quandoquidem secundum Augustini sententiam, usque adeo Libro de bono conjug. jure, cautum est, ut potius inter se sint conjuges, etiam separati quam cum his quibus adhæserunt. 32 q. 7. Usque. Manet enim inter viventes quoddam vinculum conjugale, quod nec separatio, nec cum altero viro copulatio possit auferre, sicut Apostata fol. 75. anima, quæ de Christi conjugio recedens, etiam fide perditâ, fidei sacramentum non amittit, quod in regenerationis lavacro semel accepit. Hinc plerique et propria simul et aliena, atque sanctarum scripturarum penetralia, minus perspicaciter scrutari omittentes, a veritate procul aberrârunt, quando matrimonii consummati et nondum consummati vinculum neque voto, neque ecclesiæ decreto, sed solâ Dei autoritate, aut naturali morte, Paulo comprobante, solvi potest. *Mulier*, 1 Cor. 7. inquit, *alligata est legi, quanto tempore vir ejus vivit*. Si enim mortuus fuerit vir ejus, soluta est a lege viri, ut cui vult nubat, nisi forsân, et juris fictione in hoc quoque uti velimus, monachum scilicet, viventem, mortuum esse affirmantes. Cum igitur matrimonii substantia ac nuptiale fœdus et vinculum a Deo sit institutum, ab eo solo, et non ab homine, nisi naturali morte, dirimi solvique potest, quo vir et mulier, veri conjuges effecti, atque duo in carne unâ constantes; et veram pariter ac perfectam id causabit affinitatem, veluti et hæc tria tribus his demonstrata sunt articulis.

Articulus quartus.

Carnalis copula affinitatem, solo jure ecclesiastico repertam, inducit.

Articuli quarti Demonstratio.

fol. 76.

Articuli
quarti
sensus.

fol. 77.

Libro 4,
dist. 41.

Jam primo articulo plane fatebamur, Theologorum atque Juris Pontificii professorum communem esse opinionem ex carnali copulâ licitâ et illicitâ oriri affinitatem. Verum, quoniam Theologi simul et Canonistæ quandoque profitentur, ex fœdere quoque nuptiali affinitatem induci, propterea eorum apparentem contradictionem eo in loco explicantes, demonstravimus, quoties decreta patrum, atque Theologi et Canonistæ affirmant, e carnali copulâ affinitatem oriri, tunc eorum dicta, ad effectum impediendi matrimonium, in foro judiciali, juxta humanas sanctiones tantum esse intelligenda, quando autem e nuptiali fœdere, ipsam affinitatem oriri asseverant, in foro Dei, et ad alia quæ juris divini sunt, intelligi debent. Nam ecclesia, quæ foro exteriori, non nisi de apparentibus judicare potest, optime sanxit, ut secundum allegata et prolata tantum ejus judicium omnino feratur. Ea propter, quoniam carnalis copula, quæ inter plurima indicia, ipsum matrimonium et ejus effectum plane ostendit et approbat, nec mirum cuiquam videri debet, si patrum decreta, ex carnali copulâ, affinitatem oriri palam asseverant, quandoquidem eorum dicta, juxta humanas sanctiones, in foro judiciali tantum omnino intelligenda sunt. Hujus ergo articuli sensus est,—Carnalis copula, sive in conjugio, pactionis tamen nuptialis virtute semotâ, sive extra conjugium, quæ omnino nepharia est et prohibita, usque adeo jure humano et non divino, nec naturali, affinitatem inducit, ut hujusmodi humano jure sublato, ex eâ carnali copulâ nulla esset affinitas inducta. Nam si copula carnalis hujusmodi, secundum ejus naturam, aut divinâ saltem institutione, omni seclusâ sanctione ecclesiasticâ, affinitatem induceret, non minus concubitu illegitimo quam legitimo hæc affinitas oriretur, veluti in omnium pene est ore loquentium, quod tamen in veritate ipsâ omnino est alienum. Non enim verisimile est, ut divino et naturali jure, eo carnis solo concubitu affinitas oriatur, quando doctor ille seraphicus, qui communem Theologorum atque Canonistarum in eâ re sectatus opinionem sub dubio notavit, actu carnis illegitimo, affinitatem contrahi. Et Ricardus pariter, eandem imitatus, dicere cogeatur,—Si copulâ, inquit, carnali illicitâ contrahitur affinitas, multo fortius conjugali, quasi e copulâ carnis illicitâ affinitatem oriri, causam haberet dubitandi,

veluti et glosa decreti, atque decretalis Innocentii tertii, ex coitu illegitimo affinitatem non induci, denotavit. Quinimmo affinitatis contrahendæ fundamento et ratione, quam plerique Theologorum, pro eorum opinione adducunt, luce clarius, adversus eos deduci potest, coitu illegitimo affinitatem non oriri. Innuunt enim naturalem amicitiam, super communicationem fundari naturalem, quæ duplici viâ, teste Philosopho, constat, aut matrimonii conjunctione, in quo est mutua conjugum ad carnis concubitum obligatio, secundum quam viri et uxoris est amicitia naturalis, aut carnis propagatione, secundum quam, filii et patris, atque fratrum mutuus amor naturalis est. Sicut ergo carnis propagatione, naturalis amicitia, inter patrem et filium, atque inter germanos inducitur, quæ consanguinitas dicitur, ita matrimonii conjunctione ad carnalem copulam divinâ et naturali institutione ordinata, naturalis amicitia nascitur, quæ affinitas appellatur. Et hæc affinitas, cum inter virum et uxorem esse non possit, ad utriusque conjugum consanguineos diffunditur, quando vir et uxor una caro effecti, et ad utriusque consanguineos mutuo se æquali delectatione habentes, proprios vicissim communicant consanguineos. Horum igitur affinitatis contrahendæ fundamento jacto, manifeste constat, per copulam carnis illegitimam, a meretricis seu concubinæ consanguineis, ad fornicationem, et a fornicatoris consanguineis ad concubinam, naturalem ut in plurimum non oriri amicitiam, sed eâ ratione indignationem et odium. At filii quoque illegitimo thoro nati, nonne amore, curâ, educatione, disciplinâ et hereditate, minus diligenter a parentibus prosequi dignoscuntur? Non video plane, copulâ hujusmodi non legitimâ, perfectam atque veram oriri affinitatem, nisi forte methaphoricam, veluti inter bruta, carnali eorum permixtione, induci struunt nonnulli Theologi. Et hoc unum, ex eorum quoque fundamento, minime duxi prætereundum, quo palam elici potest, non carnali copulâ, sed nuptiali fœdere, affinitatem oriri. Asserunt enim, nuptiali fœdere ob carnalem copulam instituto, inter uxoris consanguineos et maritum, atque inter viri consanguineos et uxorem, amicitiam induci naturalem, quam certe, ante conjugum carnis concubitum, fœderis nuptialis contractu et virtute solum, unusquisque consanguineorum in proprio pectore ortam esse experimento comprobare potest. Ex coitu autem illegitimo secus, ejus fœtore, ad viri et mulieris

3 §. q. 1.
Cum igitur,
De eo qui
cognovit.
Discretionem.

Libro 8,
Ethi.

fol. 78.

consanguineos indignatio solum diffunditur et odium, et non amicitia nec charitas. Nam sicut absque vinculo nuptiali, in carnis admixtione, nulla penitus viget honestas, ita nec vera charitas, nec amicitia, minusque affinitas. Si enim fornicarii, affinitatem illam, ut aiunt, compaternitatis, quæ cognatio est spiritualis, quia nuptiali solum fœdere privantur, ecclesiasticâ institutione, sibi unionem communicare non possunt, quomodo eorum consanguineis, absque vinculo conjugali, divinâ et naturali institutione ad carnis concubitus instituto, affinitatem carnalem communicabunt? Non divino igitur, nec naturali jure, sed ecclesiæ statuto solum, ex coitu illegitimo affinitatem oriri comprobamus, veluti et Panormitanus, Innocentii tertii decretalem diligenti studio examinans, hanc singularem sententiam nobis affert,—Nota textum apertissimum, inquit, et nescio alibi ita clarum, quod copula carnalis, etiam illicita, affinitatem inducat. Et habes hic casum, inquit, quo vir et uxor sunt affines, et matrimonium nihilominus illius imperio exercetur, qui affinitatis non fuit conscius. Quibus verbis, non modo habes affinitatem, coitu illegitimo, Romani Pontificis sanctione esse inventam, verum et inter conjuges, eâ ortâ, nullâ matrimonii divisione inter eos factâ, carnis adhuc concubitu eosdem vicissim legitime potiri posse; Romano Pontifice præsertim, aut Episcopo saltem ordinario, quoad jus exigendi solum, cum reo dispensante, quando alter conjunx, qui hujusmodi affinitatis causa fuit, si ab altero conjugè, carnis commercium exigat, contra canonis præceptum, Panormitano teste, tantummodo deliquit, cum quo ecclesia, inquit, facile potest dispensare. Unde Antonius de Butrio ait,—Jure canonico solum, ex coitu illegitimo affinitas oriri comprobatur. Quinimmo videtur, inquit, ex illicitâ copulâ affinitatem non oriri, sed ex eâ copulâ, publicæ honestatis solum oriri impedimentum. Hinc Antoninus Florentinus, vulgatam Theologorum atque Canonistarum in eâ re sequens opinionem, post plurima quæ huic proposito adducit, hæc verba subinfert,—Considera enim quantum abhorret ecclesia hujusmodi incestu, propter quem homines nullam sibi statuunt conscientiam. Carnalis copula igitur, nuptiali fœdere sublato, aut nullam inducit affinitatem, aut eam quæ humanâ sanctione solum inventa est.

De eo qui
cognovit.
Discretio-
nem.

fol. 79.

De eo qui
cognovit.
Transmis-
sæ, et c.
Jordanæ.
De eo qui
cognovit.
Discretio-
nem.

3 par. tit. i.
c. 11.

Articulus quintus.

Affinitas, solo carnis concubitu orta, sanctione humanâ solum impedit, ne matrimonium contrahatur, et contractum dissolvit.

Articuli quinti demonstratio.

fol. 80.

Si enim quorundam doctrinæ velimus esse sequaces, nulla prorsus in hoc articulo constaret ambiguitas, quando illi omnem affirmant affinitatem non aliâ ratione matrimonium impedire, nisi solo ecclesiæ statuto. Eo fit, ut hic articulus, cum præcedente, nullam hominum mentibus adferre possit admirationem. Verum quoniam fateri id cum eis, et scripturæ sanctæ, atque sanctorum patrum decretis, veritatisque omnino repugnat, quandoquidem nonnulli affinitatis gradus, divinâ et naturali lege, matrimonium vetant ne contrahatur et contractum dirimunt, utj ex lege Leviticâ et aliis scripturæ locis, atque primo nostro articulo, facile est videre, propterea scripturarum veritate jam cognitâ, et hujus quoque articuli veritatem, juvante Deo, demonstrare conabimur. Dico igitur in primis incestum non esse, Paludano teste, nisi in gradu divinâ et naturali lege prohibito, a quâ lege solâ est consanguinitas et affinitas vera atque perfecta. Nec magno absque misterio, scriptura sancta, enumeratis omnibus hujusmodi affinitatis et consanguinitatis gradibus divino et naturali jure vetitis, continuo hæc verba subdit, *Et talis coitus incestus est.* Quibus verbis, in toto utriusque legis instrumento, nunquam usa est scriptura sancta; uti in facto Loth cum filiabus ejus, Thamar cum Judâ, Ruben cum Balâ, Amon cum Thamar, Absalon cum uxoribus patris, Herodis cum Herodiade, et in scelere quoque Corinthi cum ejus novercâ, facile est intueri. Unde et septuaginta interpretes, eundem scripturæ passum, juxta Hieronimi translationem, *incestus est*, ita verterunt,—Impietas est, quo, naturalis et divinæ legis transgressio apertius cognosci potest. Cum igitur affinitas illa, solo carnis coitu contracta, humanâ tantum sanctione inducatur, uti proximo articulo demonstratum est, et inter illos affinitatis et consanguinitatis gradus divinæ legis nequaquam annumeretur; manifeste liquet, eandem affinitatem non nisi ecclesiæ statuto matrimonium impedire, cujus decretum transgredientes incestum proprie non committunt, sed inobedientiæ solum crimine quo-

Libro 4,
dist. 42.
q. 1.

Levit. 18.

fol. 81.

Incestus
proprie.

Ratio vali-
dissima.

fol. 82.

De eo qui
cognovit.
De illo, et
c. Sup. eo,
et c. Trans-
missæ.

De eo qui
cognovit.
Trans-
missæ.

dam quisque ecclesiam offendit; quam proinde inobedientiam, cum metaphorice incestus vocari possit, Romanus Pontifex dispensationis suffragio facile relaxare potest; quod tamen de vero incestu agere nequit. Est enim proprie incestus, inter hos affines et consanguineos, qui divinâ et naturali lege, et non ecclesiasticâ, sanctarum scripturarum volumine expressâ, comprehenduntur, a quâ lege tantum vera consanguinitas et affinitas perfecta constat. Hinc, nec Romanus Pontifex, neque tota simul ecclesia, verum cognatum et affinem efficere possunt qui non est, nec illum destituere qui a Deo et a naturâ constitutus est; cum jura hujusmodi jura sanguinis et naturæ sunt, quæ humanâ ope mutari variarique nequeunt. De eâ vero affinitate quæ sanctione ecclesiasticâ solum inventa est, secus, sive cum uxoris sorore aut filiâ seu matre ex illegitimo coitu fuerit orta, quæ proculdubio, naturali et divino jure nullo quovis modo impedit, sed humano solum, ne matrimonium contrahatur et contractum dissolvit. Quippe si coitus illegitimus, de naturâ suâ, aut præcepto divino et naturali usque adeo matrimonium impediret, ut contrahi non posset, et contractum jam omnino dissolveret, non posset quidem tota simul ecclesia cum aliquo dispensare, neque hujusmodi matrimonia admittere et confirmando approbare, cum id quod de naturâ suâ malum est, aut divino et naturali jure vetitum, nullâ potestate humanâ fieri possit licitum. At matrimonia hujusmodi, quæ contrahi possent, aut jam contracta sunt, affinitate hujusmodi ex illicito coitu ortâ non obstante, ipsum matrimonium præveniente, aut subsequente, ecclesia approbat, permittit, et in illis quoque dispensat; uti Alexander tertius et Celestinus tertius, eorum quippe decretalibus plane declarant,—Manifeste liquet, seclusis ecclesiæ sanctionibus et decretis, naturali solum et divinæ legi innitendo, hujusmodi affinitatem, illicitâ copulâ ortam, matrimonium ne contrahatur non impedire, et contractum jam non dissolvere. Unde glosa Celestini decretalem exponens ait, et de hujusmodi affinitate, ex illegitimo coitu contractâ loquens ait,—Manifeste liquet, quoniam hujusmodi incestus non impedit, quo minus matrimonium sit legitimum, licet nemo contrahere debeat, Panormitano de eâ re, et in eo loco, ita dicente,—Incestuosus contrahere non debet, sed si contrahit, tenet, et tunc devincitur carnis amplexum reddere, sed non exigere, neque minus tenetur uxori necessaria admini-

strare. Nam et alio loco, ait,—Hujusmodi enim incestuosus, si carnis commercium ab ejus uxore poposcerit, peccaret mortaliter, quia canonis præcepto contraireret. At si de ejus incontinentiâ timendum sit, ecclesia poterit secum dispensare. Et rursum alibi, dicit,—Si ecclesia dispensat, ut possit contrahere, hujusmodi affinitate non obstante, fortius dispensare potest, ut post contractum matrimonium, possit exigere. Quorum doctrinâ undequaque manifestum est, affinitatem, solo carnis concubitu ortam, matrimonium, nisi solo ecclesiæ statuto, non impedire neque dissolvere.

De eo qui
cognovit.
Jordanae.

De eo qui
cognovit.
Trans-
missæ.

Articulus sextus.

Carnalis copula, matrimonium necessario reddit consummatum. fol. 83.

Articuli sexti demonstratio.

Circa matrimonium, tria necessario considerantur, causa ejus, substantia, et effectus, uti secundo declaravimus articulo. At cum matrimonii effectus ipsa conjugum carnalis copula existat, quæ propterea matrimonii effectus et usus appellatur, quia per eam, et matrimonium necessario consummatur, et perfectio quædam adventitia solum, quæ matrimonii substantiæ accidit, acquiritur. Hinc Joannes de Turre Cremata Theologiæ et Juris Pontificii celeberrimus professor, utriusque doctrinæ fundamento usus, duplicem affirmat esse matrimonii, ut aiunt, integritatem seu perfectionem; alteram quidem, quæ matrimonii substantiam vere comprehendit, alteram vero, quæ adventitiam ei perfectionem solum admittit. Et hæc adventitia perfectio, cum matrimonii substantiæ non nisi per copulam carnalem eveniat, ipsa carnalis copula, ex primariâ matrimonii perfectione, et ex ejus substantiâ esse nequit. Nam in statu innocentiae, verum perfectumque matrimonium sine carnis admixtione, Deo instituyente, fuit; veluti inter Mariam et Joseph, sacro testante eloquio, fuisse comprobatur; quo plane dignoscitur carnalem copulam, non esse matrimonii substantiæ necessario annexam. Facit tamen ipsa carnalis copula, ad secundam matrimonii perfectionem adventitiam, quâ matrimonii substantiæ accidit, ut ejus effectus consummatio et usus absque carnali copulâ fieri non possit, quemadmodum per matrimonii substantiam, a Deo conjugibus facultas datur, ut ipsa carnalis copula

27 q. 2.
Non est
dubium.

ab eis legitime exerceri possit. Carnalis igitur copula matrimonium necessario reddit consummatum.

fol. 84.

Articulus septimus.

Potest matrimonium carnali copulâ consummari, etiam uxoris virginitate irrecuperabili non amissâ.

Articuli septimi demonstratio.

Mulier virginitatem suam irrecuperabilem multifariam amittere potest. Non enim hic loquor de mentis virginitate, quâ perditâ, solâ cordis penititudine et pio affectu, quisque rursus eam valet assumere. De solâ igitur carnis virginitate loquor, quæ trifariam a muliere, Paludani sententiâ, deperdi potest. Primo enim ex pudoris claustri fractione tantum, muliere consentiente, et eâ semen non emittente, neque viri semen ullo quovis modo suscipiente, veluti si mulier eunuchum ad carnis commercium absque ullâ seminis effusione, admitteret; secundo autem si ex contactu proprio, vel alieno, aut quovis alio vehementi libidinis voluntario ardore, mulier ipsa semen tantummodo emitteret, infracto claustro, et nullo semine viri recipientem³², quemadmodum et viro pariter evenire potest; tertio denique si quovis modo mulier semen viri tantummodo reciperet, intactis claustris, et ipsâ semen non emittente. Tunc enim conciperet, uti quandoque experimento comprobatum est, quod quidem, nisi virginitate deperditâ, fieri nequit. Si igitur desponsata uxor, ejus virum ad carnis concubitum admitteret, et infractis ejus claustris, semen non emittat, neque viri semen suscipiat, quam tamen vir ejus per seminis emissionem circa pudoris claustra solummodo polluat, tunc uxoris virginitas irrecuperabilis minime deperditur, et matrimonium nihilominus, Innocentii tertii, et Eugenii Papæ decretalibus comprobantibus, consummatum est, et affinitas inducta. Unde Joannes de Turre Cremata ait, — Si pollutio circa pudoris claustra, et non intra, maritali affectu, fuerit consummata, affinitatem inducit, et matrimonium reddit consummatum; secus autem esset, quando hujusmodi pollutio citra maritalem affectum fieret, uti Urbanus Papa optime sanxit, quæ quidem pollutio omnis maritalis affectus expers, neque affinitatem induceret, neque matrimonium impediret, quin cum illius

Libro 4,
dist. 33,
q. 2.

fol. 85.

De eo qui
cognovit.
Fraterni-
tati tuæ.
De spons.
Juvenis.

3 §. q. 3.
Extraordi-
naria.

3 §. q. 3.
Extraordi-
naria.

³² Perhaps a mistake of the writer's for *recepto*.

consanguineâ contrahi posset. Proinde, Eugenii decretalis De spons. Juvenis. glosa, hujuscemodi pollutionis qualitatem præponderans, eam affirmat, non solum cum maritali affectu, verum etiam et cum desiderio et conatu pudoris claustra ingrediendi, fuisse consummatam, quæ proculdubio, quemadmodum affinitatem inducit, et utrumque conjugum impedit ne ad aliena vota jure transeat, ita et matrimonium reddit consummatum. Potest igitur matrimonium carnali copulâ consummari, etiam uxoris virginitate irrecuperabili non amissâ.

Articulus octavus.

Serenissimam Katherinam ab illustrissimo principe Arthuro relictam virginem fuisse, non affirmamus.

Articuli octavi demonstratio.

Hebræi tribus utuntur vocabulis, pene idem significantibus, videlicet Nahara, Bethula, et Halma. Nahara quidem puellæ ætatem tantum respiciens, puellam tam virginem quam corruptam significat, veluti e scripturis sanctis, compertum est. Scribitur enim, *Cujus est hæc puella*; et alio loco, *Quæramus* Ruth. 2. *Regi nostro adolescentulam virginem.* In verbo enim *puella*, 3 Reg. fol. 86. et in verbo *virginem*, Hebraica veritas habet, Nahara, quod quidem in primo loco, puellam quæ corrupta erat, et in secundo, puellam quæ virgo erat, significat. Bethula vero, virginitatem tantum spectans, virginem et adolescentulam et annosam significat, scripturâ dicente, *Virgoque pulcherrima* Gen. 24. *et incognita viro*; et rursum, *Juvenem simul, ac virginem.* Deut. 32. Tam in verbo *virgo*, quam in verbo *virginem*, Bethula in textu Hebraico ponitur, virginitatem in variâ ætate præsignans. Halma denique et virginitatem simul et adolescentiam respiciens, adolescentulam simul et virginem, nullo quovis modo pollutam, et a viro ex omni parte omnino intactam significat, uti scriptum innuit, *Ecce virgo concipiet et pariet filium.* Et Esai. 9. iterum, *Tria sunt mihi difficilia, et quartum penitus ignoro,* Prov. 30. *via viri in adolescentiâ.* Et in verbo, *virgo*, et in verbo *adolescentiâ*, textus Hebraicus habet, Halma, cum in utroque loco, Christi incarnationis misterium prænotatur, quod in puellâ virgine omnino intactâ fuit absolutum. Mulier igitur quamdiu juvenula est sive virgo sit, sive corrupta, Nahara dici potest. Quamdiu virgo est, sive annosa sive puella, Bethula apud

Hebræos dici solet. Nulla vero mulier Halma vocari potest, nisi sit adolescentula et virgo integerrima, nullo quovis modo a viro tacta, neque polluta, de cujus pudicitia et integritate nullum sit dubium nullaque suspitio. Quare, serenissimam Katherinam ab illustrissimo principe Arthuro relictam virginem fuisse non affirmamus, cum Nahara potius et non Bethula, neque Halma ab eodem principe relicta fuerit, violenta quidem presumptione id plane universo orbi indicante, uti proximo summatum aperietur articulo.

fol. 87.

Articulus nonus.

Serenissimam Katherinam ex indiciis quamplurimis attestantibus, et violentam presumptionem indicantibus, ab eodem illustrissimo principe Arthuro corruptam atque matrimonium inter eos consummatum fuisse, non dubitamus.

*Articuli noni demonstratio.*3 par. q. 45.
m. 5.

Probatione integra, de re dubia, naturali quodam instinctu, quisque fidem accipit, quandoquidem probatio hujusmodi, conjunctio est, per argumentum, rei dubie faciens fidem. Etenim probationis argumentum, de re dubia fidem producens, Alexandro de Ales comprobante, multifariam esse potest, videlicet, facti evidentia, testimonio, fama, instrumento, et presumptione, cum omnis probatio, aut facto, vel scripto, seu verbo necessario procedat. Hinc cum evidentia facti, et fama, et testimonio, et instrumentis, et presumptione violenta comprobetur serenissimam Katherinam ab illustrissimo principe Arthuro fuisse corruptam, et inter eos matrimonium omnino fuisse consummatum, absque ulla tergiversatione fieri non potest, quin veritati huic quisque mortalium fidem non prebeat. Nemo enim est qui nesciat illustrissimum principem Arthurum tunc temporis aetate maturum, corporeque potentem et serenissimam quoque Katherinam tunc viro aptam, maritalis amplexus tractandi gratia solum, crebro simul concubuisse, quo plane, facti evidentia, deprehendi potest ipsam serenissimam Katherinam, ab eodem illustrissimo principe Arthuro fuisse corruptam; quando et Cypranus, adjuncta Juris glosa, Pomponio ita scribit,—Certe ipse concubitus, ipsa confabulatio, atque conjacentium duorum dormitio, mulierem declarant omnino esse corruptam, quando et Panormitanus affirmat,—Si quispiam, inquit, cum puella

27 q. 1.
Nec aliqua.
fol. 88.
De adult.
et stupro,
c. 1.

dormierit, quæ se fatetur antea virginem extitisse, nec puellæ, nec parentum ejus, pro hujusmodi virginitate protestandâ, opus est probatione, tametsi vir, qui eam agnovit, contrarium fateatur. Præsumitur enim virgo, inquit, ex quo habebatur pro virgine. At cum, a contrario sensu argumentum in Jure sit apprime validum; et dum illustrissimus princeps Arthurus e vitâ migravit, serenissima Katherina habebatur pro corruptâ, quando singulari nobilissimarum dominarum custodiâ, de ejus conceptu, eâ non reclamante, dubitantes³³, servabatur; plurimum quidem præsumendum est, eandem serenissimam Katherinam ad serenissimum Henricum regem Invictissimum, omnino corruptam accessisse; et maxime cum depositiones plurimarum generosissimarum personarum eas circumstantias attestentur, quæ carnalem copulam et matrimonium consummatum inter illustrissimum principem Arthurum et serenissimam Katherinam, violentâ præsumptione undequaque probent; veluti et scriptura tractatûs, inter illustrissimos principes, serenissimæ majestatis regiæ et illustrissimæ Katherinæ parentes, conclusi, necnon et tenor brevis, quod ad removendum affinitatis impedimentum, a Pontifice Romano, ejusdem illustrissimæ Katherinæ precibus et supplicatione, impetratum fuisse constat. Quibus omnibus dubitare non possumus, illustrissimam Katherinam, ab eodem illustrissimo principe Arthuro non fuisse corruptam, et inter eos matrimonium non fuisse consummatum.

Articulus decimus.

Serenissima Katherina, præsumptione violentâ hujusmodi fol. 89. constante, virginitatem suam, juramento præsertim publico, probare nequit.

Articuli decimi demonstratio.

Quoties enim contra mulierem probata sit violenta præsumptio, quæ justam condemnationem undequaque inducit, ipsius mulieris probatio, juramento præsertim proprio, in contrarium adducta, nunquam admittitur, veluti glosa decreti optime deducit,—Nam quando ex aliquâ re dubiâ, inquit Panor-
32 q. 1. Dixit. De probat. Proposuit. De desponsat. im- pube. Continebatur.
 mitanus, cujuspiam juramento fides adhibita est, tunc illi de-
 mum minime creditur, Alexandro tertio, ejus decretalis glosâ
 additâ, comprobante, si ex adverso contrarium probatur. Et

³³ Probably a mistake of the writer's for *dubitantium*.

De testibus et attest. Licet univ-
 versis, hujus sententiæ rationem Panormitanus afferens, ait,—Nam juramentum unius, Alexandro tertio affirmante, non est integra probatio, et probationi minus integræ probatio integra semper prævalet, atque præjudicat. Et hoc quippe notissimum est, quoniam adversus præsumptionem juris et de jure, Gregorius nonus, atque jura omnia, probationem in contrarium non admittunt; quando præsertim probatio hujusmodi, inquit Joannes de Turre Cremata, aut confessione, aut juramento in causâ matrimonii est, quorum confessioni vel juramento contra hujusmodi præsumptionem minime credi debet; et hoc maxime, inquit Paulus de Castro, veritatem non dubiam habet, cum quis unum fatetur, et postea illud juramento impugnare contendit. Cum igitur serenissima Katherina, propriâ supplicatione, Romano Pontifici oblatâ, se ab illustrissimo principe Arthuro, corruptam fuisse affirmârit, tot tantisque indiciis et præsumptionibus de eâ re constantibus, ac ipsius serenissimæ Katherinæ parentibus instrumento publico illud idem comprobantibus, quomodo nunc virginitatem suam juramento proprio probare poterit?

De spons. Is qui fidem. Dist. 50. Ferrum.

L. sine possidentes c. de probationibus.

fol. 90.

Articulus undecimus.

Judex, eandem Serenissimam Katherinam, super eâ causâ, jurare volentem, ad juramentum jure quidem admittere non potest.

Articuli undecimi demonstratio.

Non debet quis a judice, ad id juramento maxime admitti probandum, quod non modo juranti non prodest, sed plurimum obest. Nemo enim juramento proprio, inquit Panormitanus, violentam præsumptionem excludere elidereque potest. Et cum partis juramento fides adhibenda non sit, quando ob præjudicii causæque gravitatem, Panormitano teste, pars ipsa facile dejeraret, Alexander tertius propterea optime sanxit, juramentum suspecto nequaquam esse deferendum. Neque juramentum in probationis defectum, ob magni præjudicii causas, Panormitani sententiâ, cuius dari debet, etiam, si is, qui jurare vellet, egregia et notabilis persona constaret. Recte igitur non poterit judex, serenissimam Katherinam, super eâ causâ jurare volentem ad juramentum admittere,

Qui matr. accus. Cum in tuâ.

De excep- tion. Pas- toralis.

De cohabit. cler. et mul. Clericos.

De success. ab intesta. Cum dilec- tus.

quandoquidem qui talia agunt digni sunt morte, inquit Apo- Roman. 2.
stolus, non solum qui ea faciunt, sed etiam, qui consentiunt
facientibus.

Articulus duodecimus.

Henrici octavi Angliæ Regis invictissimi, et Serenissimæ
Katherinæ prætersum matrimonium, lege divinâ et naturali
prohibente, nullum omnino fuisse, neque esse posse censemus.

Hic articulus præsentī lucubratione nequaquam elucidandus
est, quoniam inconcusso divinæ legis fundamento totius orbis fol. 91.
Christiani celebriores Achademiæ, atque doctissimorum virorum
pene innumerabiles publicique tractatus, eundem articulum
optime lateque demonstrârunt.

Number CXXVIII.

Holograph letter from Croke to the king, written from Venice, August 24, 1530, giving a further account of his progress in procuring subscriptions.

Record
Office.

PLEASE it your highness to be advertised, that the 22nd of August I received from Utino by means of Father Fraunceys, two several counsels of two doctors in the law, and the one of them was also subscribed with the hand of two other doctors. I received also by the means of Father Fraunceys the same day, a new consultation of Doctor Hanniball Grysomus, the which my lord of London liketh singularly well. And the cause why the said doctor's former counsel was not so exquisite as this, was because he was ignorant that it was a prince's cause.

What fear men be in here, most gracious lord, to write or do for your highness, no man will believe but they that see it. For, if there had been no commandment contrary, your highness by the mean of this Hanniball and his friend, had privily had the whole college *jurisconsultorum Patavinorum* concluding with your said highness. And the day above named I also delivered to my lord of London two copies as well of the instrument of Bonony gotten by him, as of the instrument of Padua gotten by me, copied out in parchement for transsumpts, the which copies in the afternoon of the said day within the house of your ambassador Cassalis, in the presence of my said lord and me, were commanded by the bishop Laudensis to be subscribed by three notaries and to be sealed with the said bishop's seal. The which there and then wished that he had known of your highness' pleasure when he was in Millayne, saying that then he would not have doubted to have caused *collegium omnium Theologorum et jurisperitorum* there, to have granted their conclusion with your highness under their seal, but also offered to set his hand unto the said instrument. For the which his offer, the emperor's ambassador

quarrelled with him the next day, to no little trouble of his mind whosoever told him thereof.

Now that your highness may perceive the privy operation of the senate against the same, my duty bindeth me to advertise your said highness that I, by commandment of my lord of London, desired the patriarch of Venice to command his chancellor to make a transsumpt of the said instrument under his seal. But he made me answer that he durst not for displeasure of the senate. And Philippus de Cremis, and the provincial of the grey friars, and divers other the which long time since had *post facta, et operam quasi suam*, received *a me pecuniam honorariam potius quam mercenariam*, would not deliver their works, but first protesting and swearing that they never would be against your highness, instantly desired me to render unto them again their bills, and to take again my money. The which because as well of my lord of London's commandment, as other considerations, when I refused to do, Philippus de Cremis, vicarius prætoris at Verone, a man of great authority, said that he would send the money unto the ambassador of Venice, being in Englonde, that he should represent the said money unto your highness' own hands.

But to leave this business off and to return to the emperor's acts, please it your noble grace to be advertised that the emperor hath rewarded a foolish fryar called Foelix with a benefice of five hundred ducats by year (as is here by credible men reported) because the said fryar hath written against your highness. And Franciscus Marinus, the provincial of the grey friars, told me that there was offered unto him upon Saturday last, a thousand ducats to let that no friar of his province should write or subscribe in the favour of your most honourable cause; and that he knew well that as touching the breve which I alleged to him, that thereof should be made a privy restraint. But as touching the let of his friars to say and do what they list, he saith he nother hath ne wol make any stop. Nor we cannot as yet by no wise perceive that he intended or attempted ever any such thing. Unless that by a bill of information given unto me by your most faithful bedeman Ambrosius de Patavio, by whose only mean and authority Simonetus obtained the the seal and conclusion

collegii Theologorum Patavinorum, it appeareth that that said Franciscus should have been mean to present as well the work of Berges made against your said highness as the authorities, instructions, and reasons delivered by my lord of London to the said Berges; the which authorities being in the confirmation of your most honourable cause, were not delivered unto the said Berges, but upon his promise and oath made unto my said lord, to write in confirmation of your highness' cause. The copy of the which information I have concluded in these presents, and therefore think superficial to make rehearsal of any point contained in the same. Albeit, this is true, most gracious lord. Berges is now gone toward the emperor with great hope of great promotion, and the said Berges hath made a work against your highness. Notwithstanding that he was presented to my lord of London by the protonotary for a very sure favorer of your highness' cause. And before it (as it is openly proved and known unto my lord of London) he slanderously divulged your said cause at Rhoigo, sent thither by your ambassador Cassalis.

But Ambrose clean contrary of behaviour, most gracious lorde, notwithstanding that he hath been greatly troubled for procuring unto your highness the said seal of the university of Padua, yet like a good, constant, and faithful man, defended the said seal, and where the emperor's ambassador had sent a chanon regular *minis, prece, aut precio*, to induce the said Ambrose and his fellows, other to retract their said grant, or to give forth a new sentence upon the case that the queen was not *carnaliter cognita ab illustrissimo principe, et fratre Majestatis vestræ*, or to determine that this matrimony was not *dirimendum*, the said Ambrose made this answer, that is to say, that he, afore being ignorant that it was a prince's cause, and intermeddling therein, was greatly troubled by the senate; in consideration whereof seeing that the said chanon named so great a prince and emperor unto him, the said Ambrose said that he would not meddle any more in princes' matters without especial licence of the senate to speak *libere* and as he thought good. And with this answer the Spanyarde was dismissed from Padua. So that their ruffling there is to the great honour of your highness'

cause, and shame and discomfort of your adversaries. Howbeit that (as my lord of London can tell your highness) the most part of this late trouble and ruffling with your highness' friends cometh by the bishop Theatinus, the which being marvellous desirous that the pope should write to him for his opinion and sentence in this behalf, (by his own confession) hath twice written unto the pope for the same intent; as my lord of London can also witness. And because he hath no answer of his said letters, he maketh very dangerous and religious to speak any thing in the favour of your highness' cause. But to speak in the displeasure and hindrance of the same, his conscience and religious fear to pronounce in the matter without the pope's licence, maketh no doubt no danger at all. For he slandereth your said cause all that he may, adding (besides other slanders the which becometh me not to rehearse) that it is a shame that any learned man should be moved to say his opinion in any cause without licence of the pope, and that secretly, and in corners (as he saith) that your cause is. Nor he could not approve that your highness should be named unto any man, nor that in reasoning of your cause we should allege any reason or authority to the probation of your said cause, or make any improbation of such reasons or authorities, as we think to make against your said cause. For this mishandling as he saith, he thinketh to be to your dishonour and to pervert men's judgments, and therefore he, as he saith, was advised by your ambassador Cassalis to write unto your highness of the same. But for because the man so greatly believeth his own wit and reason, my lord of London and I have gone about to cause him, and I trust that he of his glory and own courage will write and send his mind and reasons to your most noble grace, so that thereby he may declare his ignorance and folly, to his own shame and your highness' great pleasure.

I dare not be so bold, gracious lord, till I have spoken with the man myself, to assure your highness that Coolius Calchagummus, a great man of birth and learning and authority in these parts, and the which wrote so marvellous well against Luther (*de libero arbitrio*), shall write in the favour of your highness' cause. Albeit that Jacobus Zyogherus, a man excellently well learned and singularly familiar with

the said Coelius, and inhabiting the same house with him, writeth to me as your highness may perceive by the copy of the said Ziegherus' letters herewith sent. But this I doubt not, that is to say, if we can obtain the writings and favour of the said Coelius, that by him we shall without difficulty get the conclusion and seal of the university of Ferrare in confirmation of your most honourable cause. But I fear me, gracious lord, that very necessity shall cause me to leave the prosecution of this process. For I assure your highness I am more than three months behind for my diets, nor have no money to prosecute men's inclinations and favors toward your cause, and without the more speedy help I must be fain to come home a begging. I beseech your highness to call to your most royal remembrance how freshly your matters went forward under my hands while I had anything to help myself. And yet upon pain of my head (if the contrary be proved) I never gave any man one half-penny afore I had his conclusion with your highness without former prayer or promise of reward for the same. Albeit they that hath done your grace little good, nor would not anything have promoted your said cause (had not my examples and acts provoked them forward somewhat to attempt), to slander my acts and excuse their perfidious negligence hath surmised me faulty in that that they of envy did themselves, that is to say, in divulging of the cause, and farther saith that I aforehand gave money to men to say and write in the favour of your highness. The which, if it be proved, let me die without mercy or grace, some lawyers except, whose profession is to take money and to be retained. And, gracious lord, I have laid out in your highness' cause above five hundred crowns.

Now, to return to your most honourable letters written to the bishop of Verone, I delivered them the 10th day of August. Upon the receipt whereof, and in reading of the same, the said bishop waxed extreme pale, and often rehearsed these words, *Cur, ista Majestas Regia, ad me sunt litteræ istæ ejusmodi, quæ ostensæ Pontifici, non modo non proderunt causæ Regiæ, sed etiam nocebunt plurimum, et eundem in me quoque forsân irritaverint*, with many like words of fear, conquestion, and complaint; ever doubting lest the copy of your highness' letters by some means might chance to come

unto the pope's hands. Insomuch that, notwithstanding I had often and earnestly assured him of the contrary, yet could I not (but with great difficulty) obtain of him to grant unto your highness by his letters, that he would keep your highness' said letters secret from the pope. But as to write to the pope for the breve, or to get father Paulinus to write for your highness, or to give licence, or command his vicar to write for your highness, upon the 17th day of August he utterly refused, by reason of such instructions as then of new came to him from Venice. Albeit, the day before (as sundry times before that) he promised me to do all the foresaid things, according to my most humble and instant desire.

And as touching the breve, he first said, that if he were at Rome, he would nothing doubt to obtain the same, but being here, (he said) that the emulation of his adversaries there was so great that he knew well that his letters should nothing prevail. Secondly, he accounted and rehearsed the troubles that in time past chanced unto him for meddling in the said cause, adding, unless he should shew the occasion of his suit for the breve to come of your highness' instance, that he should seem more busy than needed, and that not without displeasure of the pope, considering the pope's contrary commandment given unto him aforetime. The which not to avoid, in servynge for the said breve, there was, as he said, no remedy but exhibition of your highness' letters, which shewed, he doubted not but should utterly set the pope against your said highness. The which answer, with the allegiance of his fears, I prayed the said bishop plainly to write in his letters unto your highness for my discharge. But as to that my request he said he nother would ne durst by his letters seem to give your highness occasion to take displeasure with the pope, praying me therefore as of myself to report his said answer, of the fear that he had of the pope, unto your highness. And as touching his vicar he said that the said vicar would and had written in the favour of your highness' cause, but that the said vicar durst not let his work part his hands without licence of the pope.

And of very truth, the vicar hath and will write, and feareth to let the same pass his hands because of the bishop's contrary commandment, as appeareth not only by the said

vicar's letters, but by his answer made to the bishop and his report of the same to me.

The copy of his letters unto me with a copy of Paulinus' letters I sent unto your highness long ago. And as touching the said vicar's words to me, these were they, *Ut loquamur inter nos confidenter et amice, videlicet dominus meus totus papalis est et dixit mihi ista verba. Calixte vides quas turbas cum illis facit Pontifex, quos Regiæ causæ videt favere. Scis etiam quomodo mecum propter ea quæ feci indignatus est. Cave ergo tibi. Tu es sacerdos et multa habes sacerdotia. Si offendas Pontificem, et mihi et tibi noceri potest.* To the which words of the bishop, the vicar, as he said, answered, *Quomodo potest noceri mihi, cum ex professione teneamur nos Jurisperiti patrocinari, and that the vicar feigneth not of the bishop, most gracious lord, I know by the bishop's words, saying unto me (when I instanced him to give licence, or command his vicar to write), and said, Forsan vicarius non adeo curat veniam Pontificis quam vestram. Dixit hoc vobis vicarius meus? Per Deum, non agit probum virum,* and was forthwith in a greater fume. The which to pacify, when I bare him in hand that it was told us at Venice that he favoured not your highness' cause, he forthwith suspected Aleander, saying *Aleander ergo dixit vobis hoc.*

Upon the which suspicion I made this conclusion unto him, *Mihi plane ex suspicionibus quas de his viris concipis (qui nunquam quidquam de hac re mecum) quasi indicat Dominatio tua, te in hac parte non prorsus esse inculpabilem.* At the which words he fumed, and to shift the blame asked me whether if my prince did give me commandment to come home and never to speak any words in his matters more, whether I would not be afraid to disobey, and when I answered that I could not but fear to disobey, Then, (quoth he,) *Non debeo ego igitur formidare transgredi mandatum Pontificis qui est princeps meus? Nec hoc tamen, nec aliud quippiam (si quorundam litteris parere voluissem) tibi comunicassem.* But whose letters he meant I could not get of him by no wise. Notwithstanding father Paulinus (the which devised the answer to that letter) told me that it was Cassalis that thus had written to the bishop of me, and that in the same letters he

blamed my wit, and did elevate my estimation, authority, and credence with your highness. Albeit the said bishop, to that letter, by report of Paulinus, made an answer to Cassalis whereof he was nothing glad. And thus hath your highness' matters be handled, and in this case they stand hitherto wholly, unless that a transsumpt of the breve is of late brought hither, by the which appeareth how cold affection the pope beareth unto your causes at Rome, to whose most royal clemency and goodness he is most bound. And thus I beseech Jésus to preserve, maintain, and continually to conserve your highness in his most blessed protection.

At Venice, the 24th of August, with the rude hand of

Your highness'

most humble servant,

Richarde Croke.

Your highness.

Number CXXIX.

*Copy of Father Ambrose's information, in Croke's hand,
enclosed³⁴ to the king in a letter of August 24, 1530.*

Record
Office.

GUARDIANUS ordinis Minoritarum Paduæ (qui etiam inquisitor est hereticæ pravitatis et præcipue contra Galatheum fratrem ejusdem ordinis, detentum Venetiis in carceribus) diebus elapsis, cum esset Venetiis, nonnullas literas scripsit ad Bargensem illum qui favet Cæsari, hujus tenoris. Qualiter collocutus fuerat cum principe Venetiarum cui retulerat ipsum Bargensem componere tractatum contra Regem Angliæ, in favorem Cæsaris, et quod princeps lætus hæc audivit, commisitque eidem Guardiano ut ad Bargensem scriberet suo nomine, eo quod conficeret tractatum et quod fundamenta suæ oppositionis, necnon rationes partis adversariæ, ad suam sublimitatem mitteret, dicens etiam quod orator Cæsaris scripsit ad Cæsarem pro ipso Bargensi, et quod, si vellet mittere suas rationes, ut ad ministrum provinciæ mitteret qui est Venetiis, et minister traderet principi. Ipse autem Bargensis dixit cuidam hæc referenti, id est priori servorum qui ex ore ejus audivit,—Nequaquam mittam in manus ministri, ne de laboribus manuum mearum colligat ipse fructum. Sed cum complevero negotium, ipse portabo.

Copy of Father Ambrose's information. The
original is [in] my hand.

³⁴ In the same packet was enclosed a short Italian letter copied in Harwell's hand from John Casali's letter, endorsed as follows in Croke's hand: 'The copy of the ambassador's letter to Father Francis by the which he would have imputed to me *perfidiam suam* done against the king at Vincena, Preve and Rhodigo.'

Number CXXX.

An enclosure, in Croke's hand, of a letter written by Cranmer to him, giving an opinion favourable to placing confidence in Father Francis. Probably enclosed in the same packet with the former.

AS concerning the breve the pope never granted none after our devise, whatsoever Mr. Gregory hath written; many this he did, he willed us to devise a breve, and if it liked him, he would ensign it. But when it was devised faults were found in it, and it was given to the cardinal *Sanctorum Quattuor* to amend, but he amended it after such fashion that it was clean marred for our purpose; and since that time we have had so many new devised and changed again, yea, and moreover, when the pope hath granted some of our devise the emperor's orator hath made such exclamations against the pope that all hath been changed. I never knowe such inconstancy in my life. And to shew you plainly my thought, I suppose we shall never have none according to our mind so long as the cardinal *Sanctorum Quattuor*, our utter adversary, beareth this authority. Notwithstanding, the pope is contented, and I trust we shall have shortly one breve metely good after mine opinion, but not with such terms as we would have it. As concerning Father Frances, I suppose he will be faithful in the king's grace cause, but according to your counsel, I will be familiar with him, and get as much of him and utter as little unto him as I can, until I know that he stiffly defend our cause here unto the pope, as you write he hath done there. But hitherto he hath kept himself as indifferent, and in communication with the pope in this cause, as he shewed me himself, he made reasons for both parties and affirmed neither, because the pope should not have him in any suspicion to favour our part. The consideration why he did so, he shewed me, was this. The pope brake our matter to him as to have his counsel therein, wherefore if he should by and by have declared himself to maintain our

Record
Office.

opinion he then thought that the pope hereafter would neither utter no thing to him, nor also give no credence to that he should say. Wherefore as well to be had in more credence in this cause with the pope as to know of the pope's mind, and peradventure thereby of our adversaries' minds, also what they do intend; this, he said to me, moved him to shew himself as affectionate to neither party, which reason seemed to me not discommendable. For if he will be faithful unto us, (as in good faith in that I mistrust him not), and can so order himself to persuade the pope that he is indifferent, then meseemeth it he might do us more good than openly to shew himself. Mary whether it be possible or likely to bring this to pass, I doubt sore; but here in whatsoever my lord of London thinketh best, whether openly to shew him a defender of our party, or else thus secretly to bear himself if he write his mind to him in a letter, I put no doubt but he will do thereafter. At this time he is sick and hath been almost a fortnight, but thanked be Jhesus, he is metely well recovered and past all jeopardy.

Endorsed in Croke's hand :—

The copy of Mr. Cranmer's
letters to me, Richarde
Croke.

Number CXXXI.

An inclosure in a letter of Croke's sent to the king answering a possible objection in favour of the pope's power to dispense in his cause, probably of date Aug. 24, 1530.

SI quis vellet tenere quod papa non posset dispensare, ut quis non accipiat uxorem fratris etiam defuncti sine liberis, posset ad concessionem quæ habetur Deut. 29. respondere quod esset quædam dispensatio, non autem limitatio præcepti quod habetur Lev. 18. Sicut enim dispensavit Deus cum Ossee de ducendâ uxore fornicariâ, et cum Hebræis de furto Egip-
tiorum, et Abrahæ præcepit ut occideret innocentem . . .³⁵ ita dispensare potuit cum determinato illo populo, ex rationabili causâ super prædicto præcepto, prædicto modo. Ex hoc autem non sequitur quin alii ab illo populo tenerentur illud servare, sicut alii a supra dispensatis, tenebantur omnia præcepta decalogi absolute servare. Et quod affertur in contrarium dispensatum super hoc a Papâ cum populo Livoniensi noviter ad fidem converso, ex de Divor. ca. Deus³⁶, eâ ratione evacuari potest quâ populus ille legem Judaicam profitebatur ante conversionem ut de populo illo censerentur ut adjuncti. Et ob hoc potuerant illo modo licite contrahere. Et sic non debuerant separari quos Deus conjunxerat, secus in casu, et simpliciter in aliis a populo Judæorum.

Record
Office.

³⁵ A symbol is used here which is unintelligible. It seems probable that the scribe who copied the passage could not read the word, which probably was *Isaac*.

³⁶ The reference is to Decret. Greg. lib. iv. tit. 19. cap. 9. *Non licet relictam fratris in uxorem accipere; et de facto ducta non separanda est, nisi aliter ecclesia dispense.* Quia dispar est ritus in Livo-

niensium ecclesiâ; de novo ad fidem catholicam conversorum a nostro; propter infirmitatem gentis ejusdem concedimus ut matrimoniis contractis cum relictis fratrum, utantur, si tamen (fratribus decedentibus sine prole, ut semen defuncti juxta legem Mosaicam suscitarent) cum talibus contraxerunt; ne tales sibi de cætero postquam ad fidem venerint, copulent prohibentes.

Number CXXXII.

Holograph letter from Croke to the king, written Aug. 31, 1530, complaining of want of money for the prosecution of the cause, and enlarging on the emperor's opposition to it.

Record
Office.

PLEASE it your highness to be advertised that the 25th of August my lord of London repaired unto the senate, utterly despairing to have of them any other answer than he had had before, because of their obstinate behaviour shewed unto him before being much worse than in any my former information unto your said highness is specified. Notwithstanding when my said lord recited plainly unto them their unreasonable dealing with your highness, the duke began to declare that such stops as the senate had made came by reason of the clamor that the bishop Vasonus had made amongst them. And denied that any thing of displeasure was done other by him or any other of the senate. The contrary whereof all the world knoweth to be true. Notwithstanding in that behalf the said duke ever reported him to the testimony of your ambassador Cassalis. And at the last the said duke desired us to depart out of the college into a chamber by, where we remained fully three quarters of an hour, and at our return into the said college he gave us this answer, that is to say, He made us promise in his own name and in the senate's, that they from thenceforth would nother hurt ne put in fear any man that other had or would say his mind or write in your highness' cause. But to make any utter demonstration of this promise made to us he utterly refused, saying that he durst not do that for respects of other princes.

Now, most gracious lord, I beseech your most royal wisdom to ponder and compare this their colorable grant and most slender favor to their former acts and working against your highness, whereby they made evident demonstration in sundry wise that they would nor could be content that any their subject should speak with or entermeddle for your highness. And how they by exhortation secretly, and counsels, and advices, threats and citations, as well as privately as *publice*, did long

persevere and never in a manner did cease to discomfort, put in fear and alienate friends from your highness. The which their so long continual and vehement malignity is so imprinted, arrected, sunken, and beaten into the minds of their subjects, that I cannot perceive that this their pretended favor and secret grant shall do your highness any earthly good or get unto the same four honest men more, considering that they in no wise will make any utter demonstration of their said promise unto us, without the which we shall not dare write, nor may believe that we have obtained of them the said grant. I assure your highness I find such difficulty in men that are bound to do for your highness, the which perfectly knoweth their mind, that I utterly despair any profit of this their grant.

Of the emperor's ambassador's doing against your highness here, and of the counsels of late coming from father Dionisius by the mean of father Fraunceys, of the constant fidelity of Ambrosius de Patavio in your cause, of the behaviour, words and doings, as well of the bishop Theatinus, as of the bishop of Verone, of the writings of Paulinus, and the vicar of the bishop of Verone's for your highness; of Coelius Calcaginus' promise to write also for your highness, of the Spanish Chanon's being at Padua to solicit the doctors' revocation and his answer of them there; of the sayings of Philippus de Chre[mis], of Franciscus Marinus, and Berges saying and doings, I have at length written unto your highness in my letters dated the 25th of August, in most humble wise beseeching your highness, to those letters and all other to give as much credence as I deserve, the which upon pain of death shall prove every thing that I write, true. Albeit my lord of London writeth nothing of the same, yet I assure your highness that I have written nothing since my coming hither but by his consent, and partly also by his commandment, as your highness shall more plainly perceive by his informations at his coming home. I have paid out most gracious lord in your highness' cause almost six hundred crowns. And from Master Take the which accomptyth that money to remain still in my hands I have received as yet but two hundred ducats *de largo*, and now he maketh me promise of a letter of Bank by his servants for two hundred ducats more, affirming by his letters

that there lacketh not in Venice that will deliver me money to be paid in Englande upon the sight. But letters of Bank I have none nor wot not of whom to demand none. Nor he nameth not me no person of whom I should have money if I lacked. So that had not my lord of London, the 26th day of August, lent me two hundred ducats, and Edmonde Harwel other two hundred at tymes, the which I have not yet all repaid, I had not had wherewith to serve your highness or to live here, nor to restore father Thomas Omnibonus his expenses laid out in riding from hence to Ravenna, Ancona, Tarvisium, and other places to procure your highness friends, in the which he hath been more secret, wise and constant, than all the others. For he never named nor opined that the cause was your's. But I remit the report of his acts to his subscriptions and my lord of London's information, assuring your highness that it is high time that your highness' fautors here were comforted and couraged with some notable reward. For *Cæsar, minis, prece, precio, et sacerdotiis partim territat nostros, partim confirmat suos.*

As touching your most hight pleasure to search for the compilations of Innocentius, I afore your letters coming had searched at the libraries in Venice and could not find them. Notwithstanding there is one that hath promised my lord of London (as he saith) that this day he would bring him them. As touching your most royal patents I see no cause, (considering this grant of the senate and the pope's breve), that I should need greatly to communicate the use thereof to any man, nor I will not unless that I perceive great fruit certainly to come of the same. And I shall with all faith, diligence, labor and pain, to the uttermost of my poor life never cease to advance your highness' causes the best that in me lieth. Beseeching Almighty God instantly with most humble prayer to preserve your most noble astate.

At Venice, the last of August, with the rude hand of

Your highness' most humble servant,

Richarde Croke.

To the king's highness' own hands.

Number CXXXIII.

Croke's enumeration of the names of the Theologians and Jurists he had obtained in favour of the king's case. Date about September, 1530.

PLEASE it your highness to be advertised that these be ^{Record} the names of them that by my suit hath subscribed unto your ^{Office.} cause:—

Mr. Joannes Franciscus Marinus, provincialis
minorum conventualium provinciæ S. Antonii
et ministri conventûs Veneti.

Mr. Simon Ardeus, ordinarius Theologiæ apud
Patavos.

Mr. Adam de Castro Franco.

Mr. Joannes Baptista ex Bassano.

Mr. Michael de Scutis.

Mr. Cosmas Calaber.

Mr. Bonaventura de Constantiario.

Mr. Jacobus Venetus.

Mr. Antonius Canaza.

Mr. Aloysius Pignata.

Mr. Bernardinus Cornetanus Vincentinus.

Mr. Polycletus de Blenibus de monte arduo.

Mr. Antonius de Montagna.

Mr. Antonius de Fontana.

Mr. Hieronymus Aspesa de Marostica.

Mr. Ludovicus Pandolphinus.

Mr. Manfredus.

Mr. Bernardinus Patavus.

Mr. Jacobus de Biarda.

Mr. Lucas de Colle.

Francisci Georgii.

Franciscus Georgius.

Mr. Aurelius de Veronâ.

Frater Dionysius Zandgrianus.

Frater Paulus Gerardis.

Frater Ludovicus Pratensis.

Mr. Antonius a Curte.
 Frater Seraphinus Mantuanus.
 Frater Bernardinus Senensis.
 Frater Celestinus Zeno.
 Frater Ludovicus de la Turro.
 Doctor Franciscus Crucinus.
 Doctor Ludovicus Gycomas.
 Doctor Andreas Glusianus.
 Doctor Joannes Antonius Carpanus.
 Doctor Joannes Maria Tonsus.
 Doctor Hieronymus Torguis.
 Doctor Constantinus Bossius.
 Frater Cornelius de Mediolano.
 Mr. Jacobus Tursius.
 Doctor Augustinus Colletus.
 Doctor Marquardus Susanus.
 Doctor Annibal Grysomus.

Hii omnes cum novem quos habet Majestas Regia, et triginta qui exusti erant Vincentiæ concluderunt directe et absolute *Papam non posse dispensare*.

Eodem Francisco authore causam dispensationis vestræ non esse satis idoneam hii concludere.

Doctor utriusque juris Sanctoninus Utinensis.
 Doctor Joannes Angelus de Sancto Severino.
 Doctor Simon Saronicus.

Sic quod authore Francisco, habuit Majestas vestra in omnibus, simul computatis his quæ exustæ sunt, subscriptiones

LXIII.

Thomæ Omniboni.

Mr. Thomas Omnibonus.
 Mr. Joannes Maria de Caronomica.
 Mr. Alexander de Capo.
 Prior Brix. Mr. Fortunatus Signoronus de Brixia, prior conventûs S. Alexii, Brixiae.
 Mr. Hieronymus de Bononia.
 Doctor legum Andreas Fineti.
 Provincialis Mr. Damianus Loro Venetus provincialis.

Mr. Antonius Luciano.
 Mr. Franciscus a Gratiis.
 Mr. Vincentius Cagallus.
 Mr. Joannes Franciscus de Beatis.
 Mr. Isodorus Patavus.
 Frater Constantinus Tarvisinus, Bacchalaureus.
 Frater Ludovicus de Martinis, in sacrâ theologiâ
 Licentiatus.
 Mr. Boninus Salvio.
 Mr. Joannes Gentilicius.
 Mr. Benedictus de Utino.
 Mr. Sixtus de Siberico.
 Mr. Leonatus Utinensis.
 Doctor utriusque juris, Augustinus Brensonus.
 Mr. Dominicus Budius de Catharo.
 Mr. Petrus de Brundisio.
 Mr. Joannes Maria, Venetus servorum de obser-
 vantiâ.

Ab Utino eodem Thomâ Omnibono authore cum sigillis.

Doctor utriusque juris, Alexander de Bonzam-
 ninis.
 Doctor legum, Joannes de Smiconibus.
 Doctor utriusque juris, Bartholomæus Jovaria.
 Doctor legum, Ludovicus Columbatis.
 Doctor legum, Marquardus Susanus.
 Doctor utriusque juris, Joannes Melfius.
 Doctor utriusque juris, Veg^a. Æmilianus.
 Doctor Bernardinus Matritius.
 Mr. Albertus de Utino. Hujus conclusionem
 per litteras habet D[ominus] Londo[niensis].
 Mr. Petrus Zanintonus, prior Veronæ servorum.

Nota quod cum illis novem quas jam olim habuit Majestas
 tua a fratre Francisco meâ operâ, præter eas etiam triginta
 quæ Vincentiæ combustæ sunt, et præter instrumenti Patavini
 authores, habet Majestas modo tua subscriptiones et consilia
 octuaginta septem.

Richardus Crocus.

Number CXXXIV.

Holograph letter from Pallavicini to Stokesley, bishop elect of London, giving an account of the danger incurred in the king's cause, Sept. 8, 1530.

Record
Office.

REVERENDISSIME Domine, Domine mi observandissime,
In die natalitio almæ Dei matris, cum vix pransus forem, hujusce urbis gubernator per publicum nuncium me vocatum, quod facinorosis ignobilibusque tantum fieri solet, ostendit mihi literarum quas ego sacri nostri Collegii nomine scripsi exemplar, in quorum calce et mei nominis inerat forma, lamentatusque est plurimum quod nos pauci admodum rem tam gravem leviter pertractaverimus. Voluitque a me nedum in eâ determinatione asistentium habere nomina videlicet et eorum qui nunc degunt aliis in locis, Nostræ tamen Universitatis Doctores; cui parere necessum fuit. Hujus ego negotii vehementer admiratus sum et suspicatus ne id fraudis a notario promanârit, cum nec apud me nec alium quenquam sciam hujus exemplaria extitisse. Cæterum est ut sciat Amplitudo tua me illi addictissimum fore et in negotio suo maxime propensum.

Bononiæ eâdem die, 1530.

Ejusdem Reverendissimæ Dominationis Vestræ,
Servulus, Pallavicinus Carmelita.

Petiit a me illustris gubernator quantum nobis pecuniarum tradiderit Reverendissima Dominatio vestra, anne forte viginti quinque aureos. Cui respondi nil pœnitus nobis datum neque oblatum. Hæc cum Dominationi Vestræ nota faciam, vitam meam illi committo; etenim si talia a me scripta nôrit, vereor maxime ne tradar neci; sit ergo illa prudens et vitæ meæ amatrix, quæ ob id negotii in maximo extat periculo.

Reverendissimo Domino Joanni Ellecto, &c.
Serenissimi Regis Angliæ Oratori,
Domino Meo observandissimo.

Endorsed:—Litteræ Domini Joannis Baptistæ Pallavicini theologi Bononiensis, dat. 8 Septembris.

Number CXXXV.

Holograph letter from Croke to the king, dated from Reggio, Sept. 9, informing him of the proceedings of the governor of Bologna, in reference to the friars giving their opinions.

PLEASE it your highness to be advertised that upon our lady-day the nativity, the governor of Bonony sent a common officer to friar Pallavicinus which hath been a singular promotor of your highness' cause in Bonony, and there put him in singular fear, and charged him to bring in all the divines' names being of the university of Bonononye, the which he knew, whether they were tarrying in the town or not. And because they were few in comparison of the whole at this determination, notwithstanding that the number of them that tarry out of the town for the most part of them, never come into Bononye; yet he challenged the said Pallavicinus and divers other fathers that they were in marvellous fear. Notwithstanding I heard one friar answer him boldly that he did *secundum conscientiam*, and that his opinion therein was *vera* and *Catholica*. And I assure your highness that I spake with six of them, the which be singularly well learned, and if the matter come to reasoning will stand for twenty. I spake with the governor in this cause, and was so round with him that he pretended that he did it of no evil intent. What I said to the said governor I have informed my lord of London at length, this last night when I came unto him in post from Bonony to Rhegio, where I wrote this letter in haste. All other things I have ascertained your highness of by my letters sent by my lord of London the 7th day of September. And thus our Lord preserve your most noble grace.

At Rhegio, the 9th of September.

Your highness' most humble and lowly servant,

Richarde Croke.

To the king's highness.

Number CXXXVI.

Copy of Pallavicini's oath that he had not revealed to the governor of Bologna the determination of the University, written in his own hand, Sept. 11, 1530.

Record
Office.

PRIMO omnium juro Ego Pallavicinus Carmelita, ad sacra Dei Evangelia, quod nullam litterarum formam, nullum exemplar nihil penitus scripturarum de his quæ Serenissimi Regis Angliæ causam concernentia vel communitas in Collegio Theologorum nostrum Bononiensium vel privatim cum Reverendissimo Domino Londoniensi tractata sunt, illustri ac Reverendissimo Domino, Domino Gubernatori Bononiensi vel per me vel per alium aliquo pacto dedi aut dari feci vel permisi. Neque aliquod factum vel verbum super hujus causâ, aut signo aut verbo aut facto aut consensu, vel per me vel aliquam interpositam personam, ad præfatum illustrem ac Reverendum Dominum, Dominum Gubernatorem detulisse unquam. Neque antea scivisse eundem habuisse exemplar determinationis ejusdem Collegii, donec post prandium, in die Nativitatis Gloriosissimæ virginis Mariæ, præfatus Reverendissimus Dominus Gubernator, exemplar ejusdem determinationis nostri Collegii mihi ostendens, a me nomina præsentium et absentium Theologorum nostræ Universitatis exegisset; et iterum juro per eadem sacra Dei Evangelia, Me nullo pacto etiam scire quomodo seu per quem tale habuerit exemplar. In cujus juramenti fide coram Reverendissimo Domino, Domino Gubernatori et magnifico Domino Richardo Croco has manu meâ scripsi, subscripsi, et notarium rogavi ut de his omnibus instrumentum conderet.

Bononiæ 11 Septemb. MDXXX.

Ego idem Pallavicinus Carmelita

Sacrae Theologiæ Doctor.

Endorsed in Croke's hand:—Pallavicinus' own hand and oath afore the governor, the which the governor confirmed by his oath.

Number CXXXVII.

Holograph letter from Croke to Cranmer, written at Bologna, September 12, 1530, alluding to the attempt made by the governor to stop the determination of the University.

MASTER Cranmer,

After most hearty commendations, these shall be to ascertain you that Mr. Andrew de Cassalis hath gotten for the king a confirmation of the college of Bononye of their former act, and would have procured the whole university of Bononye to have written *singillatim* as many as were learned, in the king's cause. The which, as my lord of London sheweth me, and hath upon his credence caused me so to write unto the king, they will promote all that they can. And, upon that hope, my lord of London hath delivered Sir Andrew one thousand and six hundred crowns, whereof I am very glad, for if they had not had wherewithal, they could not have done so much as they now may. Notwithstanding they now have a great stop and let; for I wot not how the devil the gubernator hath knowledge of all thing that is done, and hath cited every one of the friars and some of the doctors of law as Mr. Andrew telleth me, and I saw, when Mr. Hierome Previdellus was with the governor; by the occasion of the which citation I wene that good Mr. Andrew shall not bring so great a thing to pass as he intended. Notwithstanding I have an hope that he will do well.

Record
Office.

Sir, the chief cause of my writing at this time is to pray you to solicit my lord of Worcestre earnestly for three transsumpts of the breve under his seal; without the which it is not possible that we shall do any good here. Men are so put in fear universally. I pray you when you have obtained them, cause them to be conveyed unto Venice, unto me, by the hands of father Franceys, who, as far as I can perceive, is a sure friend of the king's cause. And thus fare ye well

mine own good Mr. Cranmer, and recommend me to them that
loveth me.

At Bononye, the 12th day of September.

Your own friend to the

uttermost of his power,

Richarde Croke.

Reverendo Sacræ Theologiæ

Professori, Thomæ

Cranmero, amico

carissimo.

Number CXXXVIII.

Holograph letter from Croke to the king intimating his suspicions of Previdellus and the protonotary.

PLEASE it your highness to be advertised that the governor ^{Record} of Bonony, within fourteen hours after my lord of London's ^{Office.} departing, had knowledge of every thing that was done or spoken in your highness' cause here by my said lord; inso-much that he could tell me that there were but seven friars at the first and only five at the last determination of Bononye. And he recited unto me certain our secret arguments and probations in defence of the Levitical law against the Deuteronomye. Besides that, he could tell me that my lord of London had left with Sir Andrew de Cassalis and Previdellus sixteen hundred crowns for to be employed in your highness' causes; and also of such books and bills as my lord left with the said Previdellus he told me. And that he knew of all this, the said Previdellus also affirmed unto me. And Sir Andrew de Cassalis told me that he was sure that the said governor had a copy of the last determination of Bononye. And a copy of the first determination the said governor drew out of his bosom and shewed it to me by himself. Most gracious lord, copies of the determinations and transsumpts came into nobody's hands but the notary's, Pallavicinus', and Sir Andrew de Cassalis', Sir Gregorye and Previdellus or some of the college. And as for Pallavicinus, with the other of the college and the notaries with all that wrote, hath sworn, as it appeareth by the instruments and their own hands subscribed unto the same. And Pallavicinus swere the same oath to the governor's face, and the governor also swere that he swere true; saying that it was one of five that writ in favor of your highness that brought unto him the copy of the determination shewed unto me upon our Lady-day nativity, but not Pallavicinus. Whereupon the said fathers and notaries did not only swear, but desired me to tell the governor that they would come and swear the same oath afore his face, and prayed me shew him if he would not call them to swear their

subscriptions upon their oath. And there could nobody tell of the money and the bills left with Previdellus but Sir Andrew and the said Previdellus and Pallavicinus. And the governor told me that Previdellus had told him of the forenamed our probations and arguments, and that we had seen Previdellus' counsel. And no man knew what doctors in law had written for your highness but they of Cassalis and the said Previdellus, the which as I have since perceived is the most great person, most privy, and familiar with the governor of all the men in Bononye. And he was all day with the governor, when the governor cited the friars and doctors, and always heard their examination. And both he and Sir Andrew now blamed the notary, now Pallavicinus, and Sir Andrew avouched plainly that the determination, that the governor had, was Pallavicinus' hand. And afore Pallavicinus' face he denied the same, and would have put the fault in another singularly learned man, and your highness's sure and faithful favorer, Mr. Friar Nicolas. Nor for all the desires that I and Pallavicinus both could make unto him to go with us to the governor and to hear Pallavicinus' purgation and oath there, we could not get Sir Andrew thither. And, gracious lord, when he had informed me how the governor had cited the notaries, the friars and his cousin Previdellus, and had accompted to me how great displeasure the governor took with him because that he, three days before demanded of the said governor, would not tell the said governor what my lord of London did or had done in Bononye; at the last he began sore to complain of the governor's evil manners, saying that the said governor was a sottel and a false lying man. And therefore prayed me to give no credence unto the governor in case the said governor did tell me that the said Sir Andrew did take him the said copy, or that the said Sir Andrew should have informed him any thing of the said matters.

The which request, gracious lord, made me to muse and desire the said Sir Andrew to go with me to the governor, and to hear what I would say unto him. And the said Sir Andrew went to the governor's chamber door with me, but he would in no wise enter into the same. Gracious lord, I assure your highness when they heard that Pallavicinus would swear to the governor's face, both Sir Andrew and

Previdellus' hearts were done, and spake tremblelinge and staggering in their words, as men attainted. And I doubt not, gracious lord, but it was they that uttered all your secrets to the governor, as well for divers other causes that I know, as those that I have rehearsed. And especially because of the great promises that they had made my lord of London, to get the whole college *jurisperitorum Bononiensium* to determine with your highness. The which thing, other because they would or durst not attempt because of the pope, other by craft to let the same and pick a thanks of the pope, or because they could not bring the same to pass, and therefore would be acquit of their promise, and keep your highness' money, I think, verily, that they for their excuse devised to cause the governor this to do, that the impediment might seem to come of the governor, and no fault to be in them.

Nor I marvel nothing, most gracious lord, if they thus deal with your highness, if it be true that the protonotary told my lord of London; that is to say, that certain of your ambassadors should advise him to let and trouble your highness' matter all that he could. Whose counsel (if it were any of their counsels) I assure your highness, the protonotary hath diligently followed.

For as my lord of London told me, he found in the protonotary's table or culberde an extract of your highness' book, with this title, *Hec sunt quæ adducunt opinatores veritatis*. By the which extract this counsel (that I send your highness by Master Cranmer) was made, and I had that extract in my hands almost a month by my lord of London's deliverance. By whose deliverance also I have in my hands Sir Gregorye de Cassali's letter of the embezzling of the determinations of Englande. And how the protonotary said to Marcus Janua the which said to my lord of London, *Quod pœnituisset ipsum subscripsisse operi Francisci*, the which is in your highness' hand. *Pœnitet etiam Franciscum*; And how he answered the emperor's ambassador, saying unto him by the queen, *Quando vultis jugulare inter vos illam probissimam Dominam*; And how he could tell what was contained in your highness' letters written to the pope *de brevi et restitutione nominum combustorum per Vasonum*, or your highness'

letters came to Rhome; the which letters were included in the packet sent to my lord of London, the which was opened by Sir Andrew de Cassalis or it came to my said lord; I commit unto my said lord's report.

The consideration of the which things with them that hath chanced here, causeth me to fear that of the four hundred crowns delivered to the protonotary shall rather come some hindrance unto your highness' causes than good; especially considering that I nother have yet my full diets, nor yet money left with me other to retain more or to confirm them that I have already attained according to your most gracious commandment and pleasure. The names of whom with their very subscriptions I send unto your highness by Master Cranmer, assuring your highness that notwithstanding all the lacks and impediments that are ministered unto me, that I shall so faithfully labour in this your most high cause that mine acts shall declare that I am as diligent and faithful in the said cause as any servant that your highness hath. And thus the holy Trinity have your highness in his most blessed tuition.

At Bononye, the 16th day of September, with the rude hand of

Your highness'

most humble and lowly servant,

Richarde Croke.

Endorsed as follows:

To the king's highness' own hands.

Archana.

Number CXXXIX.

Holograph letter from Croke to the king, written from Bologna, Sept. 17th, 1530, giving an account of the method to be used for securing the sentence.

PLEASE it your highness to be advertised that Mr. Cranmer and I were yesterday with the governor, and so reasoned with him that he performed this day that, that he promised unto us yesterday; that is to say, he sent for the chief doctors of law in Bononye, and the one was not at home but the better came. And there afore Mr. Cranmer and me, the governor said to him these words;—*Magnifi³⁷ isti Domini efflagitârunt a me ut vos accersirem et hortarer uti, convocato collegio, consultetis et determinetis id quod videbitur vobis ex justiciâ et veritate pro serenissimo rege Angliæ; sed solum cupio ut, me non ignaro, congregetur collegium, et ut utere mini honorificis verbis de potestate Pontificis; tamen si uti ejusmodi verbis non possitis, nisi determinatio reddatur inde minus valida, aut causæ regie quoquo pacto officiat, volo omnino ut talibus verbis omnino abstineatis.* And I assure your highness, as much as Mr. Cranmer and I at length could perceive, without offence of the pope the man would be glad to do your highness' pleasure. And his handling of himself four days continually in your highness' causes giveth me occasion to think that the words that he afore spake was spoken by the provocation of some other. And Doctor Gozadinus, which was called and is retained upon your highness' part, promised us to make the college to determine in the most speedy and best fashion that they could. And thus I beseech Jesu preserve your highness, humbly beseeching the same, to pardon me of my long and tedious loquacity in my other two letters.

At Bonony, the 17th of September, with the rude hand of

Your highness' most humble and lowly servant,

Richarde Croke.

To the king's highness own hands.

³⁷ A mistake of writing for *Magnifici*.

Number CXL.

Original letter³⁸ from Sir Gregory Cassali to the king, relating how the pope had proposed the idea of the king having two wives at once.

Record
Office.

SERENISSIME et potentissime Domine Rex, Domine mi supreme, humillimâ commendatione præmissâ, salutem, et felicitatem.

Superioribus diebus, Pontifex secreto, veluti rem quam magni faceret, mihi proposuit conditionem hujusmodi, concedi posse vestræ Majestati, ut duas uxores habeat; cui dixi, nolle me provinciam suscipere eâ de re scribendi, ob eam causam, quod ignorarem an inde vestræ conscientiae satisfieri posset, quam vestra Majestas imprimis exonerare cupit. Cur autem sic responderem, illud in causâ fuit, quod ex certo loco, unde quæ Cæsariani moliantur aucupari soleo, exploratum certumque habebam, Cæsarianos illud ipsum quærere et procurare. Quem vero ad finem id quærant, pro certo exprimere non ausim. Id certe totum vestræ prudentiæ considerandum relinquo. Et quamvis dixerim Pontifici, nihil me de eo scripturum, nolui tamen Majestati vestræ hoc reticere; quæ sciat omni me industriâ laborâsse, in iis quæ nobis mandat, exequendis. Et cum Anconitano, qui me familiariter uti solet, omnia sum conatus. De omnibus autem me [ad] communes nostras literas rejicio. Optime valeat vestra Majestas.

Romæ, die 18 Septembris, MDXXX.

Ejusdem vestræ Majestatis,

Humillimus servus,

Gregorius Casalius.

Serenissimo et Invictissimo Domino Angliæ et Franciæ Regi, Fidei Defensori, Hiberniæ Domino, etc., Domino meo supremo.

³⁸ The greater part of this letter was printed from the same original by Collier; and the whole of it by Herbert.

Number CXLI.

The parliament's letter to the pope asking for a speedy determination of the cause, written July 13th, 1530.

SANCTISSIMO in Christo patri et Domino, Domino Clementi, divinâ Providentiâ ejus nominis papæ septimo, osculatis pedibus omni cum humilitate felicitatem precamur, et optamus perpetuam, in Domino nostro Jesu Christo.

Beatissime pater, tametsi causa matrimonialis, invictissimi et serenissimi principis Domini nostri, Angliæ Franciæque Regis fidei defensoris et Domini Hiberniæ, multis ipsa per se argumentis vestræ Sanctitatis opem imploret atque efflagitet, ut illum quam celerrime finem accipiat, quem nos, summo cum desiderio, jam diu desideravimus, et longâ sed hactenus vanâ spe a vestrâ Sanctitate expectavimus; non potuimus tamen committere ut rebus nostris regnique statu, ex hâc litis proelatione in tantum discrimen adducto, omnino sileremus, sed quod Regia Majestas, nostrum caput, atque adeo anima omnium nostrûm, et in cujus verbis nos, tanquam membra conformia, justâ compagine capiti cohærentia, multâ solitudine vestram Sanctitatem precati, et frustra tamen precati sumus, id nos literis nostris doloris gravitate adacti seorsum et separatim nunc flagitaremus.

Sufficere sane alioqui debuisset, causæ ipsius justitia, eruditissimorum virorum calculis passim probata, celeberrimarum academiarum suffragiis judicata, ab Anglis, a Gallis, ab Italis, prout quisque apud eos cæteros eruditione antecellit, pronunciata et definita, ut Sanctitas vestra, etiam nemine petente et reclamantibus quibuscunque, suo ore, suâque autoritate aliorum sententias confirmaret; præsertim cum causæ definitio eum regem, illud regnum respiciat, quod de sede illâ apostolicâ tam multis nominibus bene meritum sit.

Precibus autem nihil opus fuisset, nisi quatenus homines doloribus indulgent, et preces non necessarias interdum effundere solent.

Cæterum quum apud Sanctitatem vestram nec ipsius causæ justitia, nec beneficiorum acceptorum recordatio, nec optimi

principis tam assidue et diligentes preces, quicquam profecerint, ut obtineatur a vobis quod paternæ pietatis officium exigebat; adauctus supra modum in nobis miseriarum ac calamitatum recordatione doloris cumulus singula etiam reipublicæ nostræ membra vocalia facit, et verbis et literis conquestionem edere compellit.

Nam quæ tandem infelicitas, ut quod duæ academix nostræ, quod academia Parisiensis, quod multæ aliæ academix in Galliâ, quod passim doctissimi eruditissimi et integerrimi viri domi forisque verum affirmant, et pro vero defendere tam verbis quam calamo se paratos ostendunt, id pro vero non obtineat a sede apostolicâ ille princeps, cujus ore atque præsidio sua stat sedi apostolicæ auctoritas, a tam multis ac populis etiam potentissimis tam valide impetita, quibus partim ferro, partim calamo, partim voce atque autoritate sæpius in eâ causâ restitit; et tamen solus illius autoritatis beneficio non fruitur, qui curavit ut esset quâ alii fruerentur.

His quid responderi posset non videmus, et malorum interim pelagus Reipublicæ nostræ imminere cernimus, ac certum quoddam diluvium comminari, aut quod diluvio par est, multâ cæde ac sanguine restinetam olim successionis controversiam denuo reducere. Habemus enim summis virtutibus principem, certissimo titulo regem, indubitatam tranquillitatem regno daturum, si sobolem ex corpore masculam nobis reliquerit; cujus in vero matrimonio sola spes esse potest.

Matrimonio autem vero tantum illud nunc obstat, ut quod de priore matrimonio tot docti viri pronunciant, id utique vestra Sanctitas suâ auctoritate declaret.

Hoc autem si non vult, et qui pater esse debeat, nos tanquam orphanos relinquere decrevit, et pro abjectis habere, ita certe interpretabimur, nostri nobis curam esse relictam, ut aliunde nobis remedia conquiramus. Sed ad hoc ne adigamur, Sanctitatem vestram oramus ut Regi nostro in tam sanctis desideriis adesse, et, sine morâ aut dilatione, favere velit, vehementer obsecramus, ut iudicio suo comprobet quod Doctissimi viri affirmant, per illam quam nobis ex pastoralis officio debet pietatem ex mutuo cordis affectu obtestamur, ne claudantur paterna viscera, tam obsequentibus, tam benevolis, tam morigeris filiis.

Causa Regiæ Majestatis nostra cujusque propria est, a

capite in membra derivata, dolor ad omnes, atque injuria ex æquo pertinet, omnes in ejus Majestate compatimur, quibus facile Sanctitas vestra mederi posset, nec posset modo, sed ex paternâ pietate deberet. Quod si vel id non facere, vel facere quidem distulerit Sanctitas vestra hactenus sane conditio nostra erit miserior, quod tam diu sine fructu frustra laboratum sit, sed non omni prorsus remedio destituta.

Sunt quidem remedia extrema semper duriora, sed morbum omnino utcumque levare curat ægrotus, et in malorum commutatione non nihil est spei; ut, si minus succedat quod bonum est, sequatur saltem quod est minus malum, et id temporis etiam cursu facile tolerandum. Ista autem ut secum consideret Sanctitas vestra iterum atque iterum rogamus, in Domino Jesu Christo, cujus vices in terris se gerere, profiteretur, idque ut nunc factis conetur ostendere; ut veritatem doctissimorum hominum vigiliis ac laboribus inventam, probatam et confirmatam, ad Dei Laudem et Gloriam suâ sententiâ et pronuntiatione velit illustrare.

Interim vero Deum optimum maximum quem ipsam esse veritatem certissimo testimonio cognoscimus, comprecabimur, ut vestræ Sanctitatis consilia ita informare atque dirigere dignetur, ut, quod sanctum, justum ac verum est, a vestræ Sanctitatis autoritate obtinentes, ab omni aliâ assequendæ veritatis molestiâ liberemur.

Archiepiscopi.

T. Cardinalis Eborum.
Guilielmus Cantuariensis.

Duces.

T. Norfolkæ.
Charlys Soffolke.

Marchiones.

R. Dorsett.
He. Exeter.

Comites.

Willielmus Arundell.
John Oxynford.
H. Northumberland.
Rauff Westmorland.

G. Shrowesbury.

Henry Essex.

E. Derby.

He. Worcester.

Thomas Rutland.

Henry Comberland.

Robert Sussex.

G. Hunttyngdon.

G. of Kyldare.

Episcopi.

Rob. Cicestren.

Johannes Karliolens.

Johannes Lincolniens.

Ricardus Menevens.

Barones.

Henry Mountaguy.
 George Rocheford.
 Willielmus Weston.
 G. Bergevenny.
 John Audelay.
 Herre Scrope.
 Thomas Dacre.
 Thomas la Warr.
 Willielmus Dacre.
 Thomas Berkeley.
 Harry Morley.
 George Cobham.
 Richard Lattimer.

Edward Stourton.
 John Fitz Warren.
 John Semers.
 John Lumley.
 W. Mountjoy.
 Christopher Conyers.
 Herry Daubyn.
 T. Darcy.
 F. Mountegle.
 William Sandys.
 John Hussy.
 Andrew Wyndsar.
 Thomas Wentworth.
 Thomas Knight.

Abbates.

John Abbot of Westm.
 John Abbot of Bury St. Edm.
 Ric. Abbas de Glaston.
 Willielmus Abbas Glouc.
 Thomas Abbas de Aberden.
 Hugh Abbot of Reading.
 Edmund Abbot of York.
 John Abbot of Peterborough.
 Johannes Abbas de Ramsey.
 Johannes Abbas de Croyland.
 John Abbas de Thorny.
 Robert Abbas de Selby.
 William Abbas de Bardney.
 Willielmus Abbas Sancti Benedicti de Hulme.
 Thomas Abbas Sancti Johannis juxta Colcestir.
 John Abbas de Hyde.
 Clement Abbot of Evesham.
 Richard Abbot of Malmesbury.
 Rycharde Abbot of Winchelcombe.
 Robertus Abbas Sanctæ Crucis de Waltham.
 John Abbote of Circester.
 Henry Abbot of Teuxbury.

Milites et Doctores in Parlamento.

Willielmus Fytz Williams.

Henry Guilford.

Stephen Gardynere.

Johan Gage.

William Kyngston.

Brian Tuke.

R. Sachvile.

Rich. Sampson.

Ed. Lee.

R. Wollman.

Johannes Beckett³⁹.

³⁹ This document is here produced from a comparison of the copies printed in Rymer's *Foedera* and Herbert's *History*, which were made independently. The Editor has not found the original.

Number CXLII.

The pope's reply to the letter of the Parliament.

Venerabilibus Fratribus Archiepiscopis et Episcopis, ac dilectis filiis Abbatibus, Nobilibusque Viris, Ducibus, Marchionibus, Comitibus, Baronibus, Militibus ac Doctoribus Parlamenti Regni Angliæ.

CLEMENS, Papa VII.

Record
Office.

Venerabiles fratres et dilecti filii, salutem et Apostolicam benedictionem. Multa sunt in vestris literis die 13 Julii datis ac nobis superioribus diebus redditis, quæ gravius accepissemus, nisi ea affectui studioque vestro erga charissimum in Christo filium nostrum, Regem vestrum condonanda arbitraremur. Itaque sedato animo ad eas literas respondebimus, tantum ut doceamus quam immerito de nobis conquesti sitis, neque oportuisse tantum a vobis tribui privato erga Regem sive officio sive amoris vestro, ut nos duobus, ingrati adversus Serenitatem suam animi ac denegatæ justitiæ, gravissimis nominibus incusaretis. Nos quidem agnoscimus Regem vestrum ea omnia quæ in vestris literis enumeratis, ac multo etiam plura promeritum, manebitque perpetuo non modo apud nos sed ad posteros nostros memoria ejus in sedem Apostolicam meritorum. Fatemurque nos non modo Pontificiæ personæ quam gerimus, sed privato nostro nomine tantum serenitati suæ debere, ut nunquam beneficiis parem gratiam relaturi videamur. Sed quod attinet ad controversiam quæ de matrimonio est inter Serenitatem suam et Catherinam Reginam, tantum abest ut denegando justiciam, Regis spem frustrari voluerimus, ut ultro ab alterâ parte, tanquam plus æquo in partes Majestatis suæ propensi, reprehendamus. Sed, ut paulo altius perpetuum animi nostri erga Regem vestrum tenorem repetamus; cum primum, tribus ferme ab hinc annis, Regii oratores ad nos hanc causam detulissent; animi nostri propensionem potius quam juris rigorem secuti, commisimus illam dilectis filiis nostris Thomæ tituli Sanctæ Cecilie Eboracensi in Regno Angliæ Legato, et Laurentio tituli Sanctæ Mariæ in Transtiberim Campegio a nostro latere misso, Presbyteris Cardinalibus, in Regno atque adeo domi ipsius Regis audiendam et terminandam; satisfecimusque tum, quantum

in nobis fuit, Serenitatis suæ voluntati. Verum cum Regina suspectum illud in partibus iudicium habere cœpisset, et a gravaminibus sibi, ut dicebat, per eosdem legatos illatis ad sedem Apostolicam appellâset, procuratoribus etiam ad dictam appellationem prosequendam constitutis, ne tum quidem desiderari passi sumus nostram erga ipsum Regem benivolentiam. Nam tametsi causæ huiusmodi appellationis commissio negari non poterat, tamen concordîâ potius quam viâ juris terminari hanc controversiam cupientes, omnes moras in commissione dictæ causæ appellationis concedendâ interposuimus, eo prætextu, quod esset de maioribus causis, meritoque ad consistorium rejicienda. Habitâ vero deinde super hoc cum venerabilibus fratribus nostris Sanctæ Romanæ Ecclesiæ Cardinalibus aliquoties consultatione, fuit aliquamdiu dilatum negocium; sed tandem unanimi omnium Cardinalium voto conclusum est, commissionem causæ appellationis huiusmodi per nos negari non posse. Itaque commissa est audienda et subinde in dicto consistorio nobis referenda et terminanda. Nam cum omnibus in rebus considerate procedere debemus, tum in hâc potissimum quæ Regias et illustres personas tangit, et in quam totius Christianitatis oculos coniectos esse videmus. Post quæ deinde nullus Regius legitimus procurator comparuit, qui aut scripto aut verbo de iuribus Regis doceret; ideoque factum, ut lis adhuc decidi non potuerit; quippe cum ex actis et productis, non ex amore et benivolentiâ decidenda sit. Quamobrem nulla causa est, cur nobis ascribatis litis quam dicitis protelationem; de quâ miramur vos queri, cum illam oratores ipsius Regis alibi, et præsertim Bononiæ a nobis petierint et impetrârint, invitissimis quidem et reclamantibus Reginæ Procuratoribus. Cum itaque nunquam per nos steterit, quin hæc lis, omnibus rebus mature discussis, terminaretur, non videmus quibus rationibus nitatur querimonia vestra; nisi forte id dicitis, tot esse Regis erga nos et sedem Apostolicam beneficia, ut quoquo modo in ejus voluntatem causam diffiniri oportuerit; id enim ostenditis satis aperte, cum dicitis, in causâ, ab eruditissimis viris Anglis, Gallis, Italis, ac tot academiarum suffragiis probatâ, etiam nemine petente, ac reclamantibus quibuscunque, sententiam a nobis ferri debuisse. Quâ in re non parum prudentiam et modestiam vestram requirimus. Nam non videmus, quibus rationibus freti

postuletis, ut, in causâ maximi momenti, sententiam feramus, nemine petente, ac cæteris reclamantibus, cum adversa pars continue opponat totius Christianitatis scandalum, tot annorum matrimonium ad supplicationem Clarissimorum Regum Henrici Patris, ac Ferdinandi Catholici, ex dispensatione hujus sanctæ sedis constitutum; præterea filiam extantem, et plures Reginæ partus; et adversus opiniones doctorum, quas pro vobis allegatis, multorum etiam ipsi doctorum gravissimorumque virorum judicium, et pro se facientia divini juris mandata adducant, argumentis haustis non modo ex Latinis, sed etiam, ex uberrimis, in hæc re Hebræorum fontibus, nobis tamen in neutram adhuc partem inclinantibus, sed æquas aures præbentibus, cum causam hanc gravissimam et ad totam Rempublicam Christianam et posteritatem omnem pertinere existimemus. Nam ex iis quas pro vobis facere doctorum hominum atque universitatum opiniones scribitis, paucæ admodum venerunt in manus nostras, nobis non legitime, nec Regis nomine, ab oratoribus præsentatæ, illæque nudæ tantum illorum hominum opiniones, nullis adscriptis rationibus cur ita sentiant, nullæque Sacrorum Canonum et Scripturæ, quæ tantum spectare debemus, autoritate subnixæ. Postulare autem, ut, in Regis gratiam, quicquam temere atque inconsiderate statuamus, nec æquum nec vestrâ sapientiâ dignum est. Nam, tametsi multum Serenitati suæ debemus, tamen in judicando pluris facere cogimur eum, per quem Reges regnant, et principes imperant; et veri patris officium est prospicere, ne nimîâ facilitate plus æquo indulgeamus filiis nostris; irretiremus enim non nostram solum sed Serenitatis suæ conscientiam immaturâ sententiâ; quæ, non recte prolata, pernicioso universæ Christianitati noceret exemplo. Nam quod Regno vestro diluvium impendere dicitis, id multo magis timendum esse abitraremur, si sententiam, quæ rectâ justiciæ viâ ac ratione ferenda est, præcipitarem, ac, nimio erga Regem vestrum amore, propecti, a justiciâ atque officio nostro discederemus; masculam autem prolem, non vos magis optatis quam nos Serenitati suæ; atque utinam tanto Regi similes filios, ac non Regni tantum, sed etiam virtutum Hæredes haberet Christiana Respublica. Sed pro Deo non sumus, ut liberos dare possimus. Quod autem dicitis, nolle nos, autoritate nostrâ, secundum veritatem de priori

matrimonio declarare, quod tot docti viri pro ipso Rege pronuntient; vellemus nos quidem omnibus in rebus Serenitati suæ gratificari; posse autem ita debemus, ut non destruamus; destrueremus enim, si quid contra juris ordinem statueremus, etsi oculis nostris exploratissima res esset. Ceterum, quod est in extremo literarum vestrarum, nisi petitionibus vestris satisfecerimus, vos existimaturos, vestri vobis curam esse relictam, atque aliunde remedia conquisituros, nec vestrâ prudentiâ nec religione dignum consilium, ab eoque ut abstineatis, paternâ charitate vos monemus. Nec tamen ulla medici culpa esset, si ægrotus, curationis impatiens, quicquam in se statueret, quod adversaretur saluti. Nos quidem, quæ recte ac sine pernicie dari possunt, remedia, non denegamus; quis enim infirmatur, et ego non infirmor? Quis scandalizatur, et ego non uror? Os meum patet ad vos, filii dilectissimi, et vos ut filios charissimos monemus. Sed nec Regem ipsum, cujus causam agitis, probaturum fuisse credimus, ut ita scriberetis; cognitam enim habemus ac perspectam ejus probitatem, ut ne ultro quidem oblatum, quod æquum non esset, accepturum fuisse putemus; et tametsi vestrum omnium intercessionem magni facimus, tamen noster erga Serenitatem suam amor non patitur se cujusquam cohortatione precibusque excitari; nec meminimus frustra unquam Serenitatem suam a nobis petiisse, quod cum nostro, et hujus sanctæ sedis honore concedere possemus; paremque ostendemus perpetuo voluntatem. Denique, quod ad hanc causam attinet, nos quidem nullam ejus expeditioni moram interponemus, quin, cum instructa, et partes auditæ fuerint, terminetur; nobis summopere cupientibus vestrum Regem et ipsam Reginam, nosque ipsos molestissimo hoc negotio liberari. Hoc tantum a Serenitate suâ et devotionibus vestris requirimus, ne plus, ob summa ejusdem Regis beneficia, a nobis exigatis, quam quod sine offensâ Dei persolvere possumus; cum in cæteris omnia a nobis expectare possitis, quæ habitâ officii ac personæ quam gerimus et justiciæ ratione expectari debent.

Datum Romæ apud Sanctum Petrum, sub annulo piscatoris, die 27 Septembris, MDXXX. Pontificatûs nostri Anno Septimo.

Evangelista.

Number CXLIII.

Copy of Croke's letter to the king, written when he sent the decision of the theologians of Ferrara, dated Sept. 29, 1530.

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PLEASE it your highness to be advertised that I obtained the determination of Ferrare into my hands in good and sure form, and after, by the mean of Cœlius Calchaginnus, I attempted the college of lawyers, being in number (as I am informed by divers) 72; and they were at a point to write one counsel amongst them for your highness, and that every man should set to their hands and seals unto the said counsel, and besides this I should have had a determination under the seal of their college in the mean time; and I had had it the same night if I had laid down one hundred and fifty crowns, the which because I had not, I was driven to attempt and entreat with them of a less price; the which to compass I feigned the case to be mine own, and propounded it in this wise and names. And gracious lord whiles I propounded and entreated of these matters with the lawyers, the notary came to my servant in my name to have the instrument to put unto the same the legality of the notary. The which delivered him the same; and when I came home, and found his servant in the chamber, I asked him what he would. Anon my servant told me that his master had the instrument to set to the legality. And when I shewed myself discontent with the deliverance, the notary's servant said, if it had not been delivered, that it should have been taken away with strength. I sent afterward to the notary, which prayed me to pardon him, for he did it by the duke's factor's commandment; and said that if I would not have delivered it, that he had commandment to take some of the soldiers, and to take it from me by strength. Whereupon I went to the factor; the which made me answer that the friars themselves came to him, and shewed him of this matter, and named to me a black friar, Vincentius Placentinus, as he calleth himself; the which friar shewed me divers books of your highness, saying they were delivered to

him by my lord of London; and indeed my lord of London's hand is upon friar Nicolas' book. Notwithstanding, since I perceive that sir Gregorye delivered the same book to the said friar, and did send the said friar round about Italye, and I doubt not but he did your highness no good; for when he was called to this counsel and determination, he said he could not speak, *sed quod haberet os clausum*, and that it was prohibited in his chapter that no man should speak of the pope's power. The which if it had been, as it was not, Pallavicinus caused the said friar to confess that it could not have restrained his good will. Moreover he cast such danger there to speak of the pope's power that he had almost marred all there. And farther, when there was alleged the act of Bononye, he said he knew there was very few in Bononye, and of them any scant learned. Notwithstanding, in my presence, the college determined and desired afore the notary and witness an instrument to be made in form as herein is contained, and the vicar general to set his seal unto the same, which is deputy to the cardinal de Silviatis, being chancellor of the university. And after the determination, I paid the vicar and the college for their assemblance. And the factor, gracious lord, had not only done with the notary, as is rehearsed, but also had commanded the friars to say that they did not consent to the same, and so some of them did; but they that were of the college had the notary afore me to deliver again their instruments. (Nor I could not get of the factor to call the notary afore me, nor to command him to deliver me the instrument, notwithstanding that I had paid for the same.) Besides this, he had so handled the doctors of law, that when I in the morning offered an hundred crowns where afore I had offered from twenty to three score, that they made me answer that they would not counsel but by consent of both parts, that is to say, of your highness and of the queen's. Notwithstanding I never made mention other of your highness or of the queen's grace. Here is Florianus in Ferrare resident, which is Campegius' secretary. And he, as I am informed, never ceaseth to slander your highness' cause, and is great with the factor as any man. I am sorry and ashamed of the false dealing of these Italions toward your highness appearing more and more. My faith and my service to the uttermost of my life shall

never fail unto your highness. But there be so many friars being your adversaries made privy unto your highness' arguments, and so many copies as well of your highness' own book as of other in confirmation of your most honorable cause, that I find great difficulty and despair of any great employance more of this your said highness' causes in Italye. Notwithstanding, as I am informed, Thomas Omnibonus sleepeth not, and what hope he maketh me, your highness shall to your most gracious pleasure perceive by his letter sent herewith. And the factor, as I am surely informed, since knew of my coming to Ferrare eight days or that I came. And thus the holy Trinity preserve your most noble grace.

At Ferrare the 29th of September.

This and the following Record which accompanied it, are endorsed on this document as follows :—

The copy of Mr. Croke's
letters written from Ferrar
and Venice unto the king's
highness.

The copy of the determi-
natio Theologicorum Fer-
rariensium⁴⁰.

⁴⁰ On a separate folio pinned to the above is another copy of Croke's letter to the king from Venice, of October 1, 1530.

Number CXLIV.

*A Copy of the decision of Ferrara, as enclosed by Croke
in the preceding document.* 24 Sept

Determinatio Universitatis Ferrariensis.

IN Christi Nomine Amen. Nos Decanus et Collegium Theologiae Facultatis in Universitate Ferrariensi, omnibus et singulis praesentes inspecturis, Salutem. Record Office.

Quoniam ex suscepti Doctoratus Officio tenemur de Lege interrogati secundum Sacrarum Scripturarum et Catholicorum Doctorum Declarationes unicuique poscenti respondere, idcirco, cum nuperrime proposita Nobis fuerit Quæstio,

An jure tantum positivo humano, postquam advenit plenitudo temporis, prohibitum sit Christianis ducere relictam fratris præmortui sine liberis in uxorem?

Et an summus Pontifex possit super tali matrimonio contracto vel contrahendo dispensare?

Nos præfatæ Universitatis Decanus Collegium et Magistri in Theologiâ omnes et singuli, ad hoc etiam advocatis aliis partibus in Sacris Literis eruditis, coram Reverendo Juris Utriusque Doctore, Domino Octaviano de Bononiâ Canonico Ferrariensi, Prothonotario Apostolico, Vicario in Spiritualibus et Temporalibus Generali Illustrissimi et Reverendissimi in Christo Patris Domini, Domini Cardinalis de Salviatis, Episcopi et legitimi Administratoris Episcopatus Ferrariensis, et in Galliâ Cispadanâ Apostolicæ Sedis Legati de Latero ac Almi Studii Ferrariensis Cancellarii benemeriti, in Loco et Collegio consueto constituti et coadunati, ut moris est habitâ super hoc longâ et maturâ Discussionem et omnibus bene consideratis, inhaerentes Determinationibus Almæ Universitatis Theologiæ Bononiensis et Paduanæ, de et cum Consensu et Voluntate ejusdem Domini Vicarii, Determinavimus et per præsentem determinamus, et firmiter Tenemus, et Catholice tenenda Judicamus,

Tale Matrimonium nullo modo esse contrahendum et contractum omnino esse Dirimendum, eo quod talis sit

prohibitio quæ nullâ occasione aut causâ interveniente subsit Authoritati vel Dispensationi Summi Pontificis, sicut clarum est in multis aliis plenitudinem Potestatis quam non negamus in Summo Pontifice eo usque non procedere, ut quæ Divini Juris aut Naturalis munimine firmata fuerint (cujusmodi hanc Leviticam Prohibitionem de non ducendâ Relictâ a Fratre sine Liberis esse censemus) possit deflectere, irritare vel immutare.

Et ideo in hujus nostræ Determinationis Testimonium has Præsentes fieri jussimus, per Manumque Publici Notarii nostri infrascripti subscribi et in hanc Publicam Formam redigi mandavimus, Sigilloque prædicti Reverendi Domini Vicarii Episcopatus prædicti communiri.

Data Lecta et Publicata fuit hæc præsens Determinatio per supradictos Reverendos Sacræ Theologiæ Doctores Universitatis Ferrariæ, Ferrariæ in Palatio Episcopali, Anno a Nativitate Domini nostri Jesu Christi Millesimo Quingentesimo Trigesimo, Indictione Tertiâ, Die Vigesimo quarto Mensis Septembris, Pontificatus Sanctissimi Domini, Domini Papæ Clementis Septimi Anno Septimo.

Coram et Præsentibus,

Honorabili Domino Dominico de Mutinensibus,
Presbytero Ravenatensis Diocesis Ferrariæ commorante,

Domino Chiricho del Chirigho,
Clerico Bononiensis Dyocesis et in dicto Palatio
Episcopali commorante,

Et Joanne Baptista de Vegetibus,
Laico Ferrariensi et Bidello dictæ Universitatis,

Testibus ad hoc vocatis et rogatis, et aliis.

Number CXLV.

Holograph letter from Croke to the king, further intimating his suspicions of the protonotary and of Parisio, sent with enclosures to the king on the 1st of October 1530.

PLEASE it your hightnes to be advertised, that after the end of my last letters at Ferrare, resorted unto Ferrare, sent by the protonotary (as he said) unto friar Franciscus de Cremona, Augustinus de Philibertis, with letters credential. In the which, the protonotary desired the said Franciscus to give like credence unto the said Augustinus as to himself. And other thing was not contained in those letters. For I read them. Now, most gracious lord, because that friar Vincentius was cousin to him, the said Augustinus lodged with the said friar, the which came to me, and informed me that the said Augustinus had certain books and letters from the protonotary as well for me as other. Whereupon I sent my servant unto the said Augustine, desiring him to send me such books and letters as he had for me. And his answer was, that he had none to me, but unto Franciscus de Cremona, and that he had delivered them unto him. I thereupon, most gracious lord, desired the said Franciscus to see such books as was sent unto him. And he said that he had none, and moreover he added (but I could not get the cause why he so said), *Nolo esse causa odii inter vos et alios; puto vero hoc impedimentum (et credo me id audivisse ab Augustino) provenisse ab oratore Cæsaris (qui est Venetiis), et forte scripsit ad Factorem ducis hoc factum esse Venetiis, et caveret ne aliquid tale fieret Ferrariæ.* And notwithstanding that the said Augustine had sent me word that he had nothing for me, yet he came to my inn to me, and said that he was come to see me and know me. I pray God it be not to know me unto the hindrance of your highness' causes in Cremona, Mantua, Myllayne, and Pavia, in likewise as is done in Ferrare. For he said that the protonotary had committed these places to him. And he advised me, and also said that he had in likewise advised the

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Office.

protonotary, that for making of brute by the let of his person, that nother of us should come in to any of the said places. And he said that he already had made a consultation in favor of your cause. As to books, he said that he had none of the protonotary more than the bare case. And he seemed not content that he had no money of him, and complained thereof; and I bad him not deny but the protonotary would reward him very well. Then he told me that Curta of Padua would not now counsel in your highness' causes unless he had one hundred angelotts. The said Curtius, most gracious lord, first promised to counsel for 50 crowns; after he would not for less than one hundred; now he will not under one hundred and fifty.

This is the diligence of Cassalis. And I am advertised that since my departing from Venice he hath been with friar Thomas Omnibonus and doctor Hannibal to entreat them that they should say that they were retained by him. This day at my coming, delivered unto me doctor Hannibal (the which now shall be one of the rote at Rome) a letter of Parisius' own hand, the copy whereof I send unto your highness. And the same perceiving that Parisius is one of the chief of Padua, retained by the protonotary, cannot but perceive that the lett that cometh in the college cometh by his means, and consequently by the protonotary. The protonotary this day denied me, that Augustinus de Philibertis had advised him or desired him to advise me not to come at Mantua, Papia, Cremona, or Millayne. This contrariety in tales maketh me the more to doubt lest the matter be let or I come. For I could get the protonotary by no wise to give me a letter credential to any man in any of the said places to help and promote for his sake your highness' cause, and in that behalf to trust me; as his said friend would trust him. I purpose therefore to go unto the said places and also to Padua to see what I can do. And thus our Lord Jhesu preserve your highness.

At Venice the first of October with the rude hand of

Your highness'

most humble and lowly servant,

Richarde Croke.

To the king's highness' own hands.

On the third page is added the following catalogue of copies which accompanied the letter.

Rationes contra Wickelyffistas, the end and beginning lacking	} Percevall's hand.
Rationes Nicolai.	
<i>Authoritates pro parte nostrâ</i>	
Responsio Chrisostomi de Cassalis ad librum contra rationes suas	} <i>Omnia hæc</i> partly of Nicolas' sir Gregory's ser- vant's hand, part- ly of Fraunceys the protonotary's servant's hand.
Epistola Gregorii	
Epistola Innocentii	
Epistola Basili	
Marci Rhaphaelis opus	
Crucini opus ; tota videlicet prima pars, cum inscriptione istâ,	
<i>Opus fratris Omniboni cum sex subscrip- tionibus</i>	

Number CXLVI.

Holograph letter from the duke of Norfolk to the king, complaining of the conduct of the Venetians, written about October 1530.

Record
Office.

PLEASETH it your highness to be advertised that this morning hath be with me the ambassador of Venise, and is ridden towards your grace. He hath letters from Venise unto your highness, but I cannot perceive by him that they be minded to do otherwise than ye be advertised of by your agents there. I have been quick with him, saying amongst other conferences that it had be a small recompense for all the great gratuytes shewed by your highness unto them to have willed their clerks liberally to have written for your grace's cause, as their conscience should lead them. Where-with no reasonable man ought to be discontented. And if either the pope or the emperor would be discontented therewith, it should be without cause. And it should not appear that they were afraid to suffer men to write the thoughts which of good congruity they should not have forborne to have done for that cause, but rather to have shewed them, to do that reason would for their old friend, than to have forborne for such as they never had benefit of. But and this thing were not soon amended, your grace had good occasion to think ye have not be handled according to your deserts. I think if your highness be round with them, they will write for amendment, for with my words I saw by the ambassador's and the secretary's countenance they were appalled. I shewed them the words written for the diffinition of your grace's cause, which ye shall receive with this, without shewing them from whence it came, saying that the Venisians did not their whole duty like friends, yet others did and would do, for whom your grace had not done so much for. Also with this your grace shall receive the said diffynision delivered me this morning by the ambassador of Fraunce with a letter from monsieur de Langy, and the copy of the letter sent to the president, which letter so desireth the same again to make

another unto the same, he saith he hath none other letters than he hath shewed me, which contained none other thing than your grace doth know before. And yet they be of an old date. The emperor's ambassador hath be with me, and doth say as I have shewed your highness he hath often done before. Is there none indifferent judges to be found? Is there no persons that might stand with the king's pleasure to commit the order of this matter unto? Whereunto I answered, that I was going to Westmyster, and had no leisure to common further with him therein, and so departed. If your highness would I should any further wade with him therein, it may please your grace to advertise me of your pleasure therein. Scribbled in haste at Norwiche place.

Your most humble servant,

T. Norffolk.

Number CXLVII.

*Despatch from Dr. Bennet to Henry VIII, Oct. 27, 1530,
intimating his suspicion of the pope's proposal of the
king's having two wives.*

Mus. Brit.
Add. MSS.
25114,
fol. 36.

PLEASETH it your highness to understand, that, the third day of this month, Alexander the courier arrived here, of whom I received a packet of letters from Mr. Welsborn, your highness' ambassador resident in the French court, and within the same your gracious letter to my lord of Woorcetter, Mr. Gregori, and to me; and also two doubles, one of the French king's letter to the pope, the other of the French king's instructions to his ambassador resident here. In the same morning cardinal Tarbe had taken his leave of the pope, and the next morning following the pope did depart from hence to Hostia. And at the same time the French king's letter to the pope, and his instructions to his ambassador here resident were not come; which was to us a great discomfort, forasmuch as we thought the said cardinal would have departed before the said letter and instructions should have come hither, for he was appointed to have departed within three days after, whose presence, for his authority here and favour that the pope hath him in, might have helped much to the sooner obtaining of any of the degrees contained within the said instructions. Wherefore it seemed to my lord of Woorcetter and to me good that we should the same night that we received your grace's letter, with the foresaid doubles, confer with my lord of Tarbe upon all such things that were contained in the foresaid instructions, to the intent that he might, in the morning next following, before the pope's departure, as of himself, shew unto the pope that he had an inkling that the French king was utterly bent and fully determined to join with your highness in this your great cause, so and after such sort, that if his holiness would satisfy your highness in this your great cause, the French king would accept the same as thankfully as though it were done to himself; and otherwise, in not satisfying your highness, he would not alone take it

for an unkindness, but also for an injury, which he would study to revenge as though it had been done to himself; and also to shew the pope that the French king had written to his holiness in this matter, which shortly should be here. Wherefore the cardinal, considering the great importance of this union betwixt your highness and the French king, should, as cardinal and member of this see, advertise the pope hereof, to the intent that his holiness should ponder the great importance of this union, and study to satisfy your both desires, and so to keep you both in your old devotion and friendship towards him and this see: shewing the commodities that thereby might undoubtedly follow, both to his person and his see, and to the tranquillity of all Christendom. And, on the other side, if his holiness would not satisfy your desires, he should shew unto him that thereby his holiness should utterly lose both your friendships, whereof more ills, inconveniences, and ruins might follow, than at that present time his holiness might excogitate. Which thing the said monsieur de Tarbe did, as he said, effectuously. To the which, as the said cardinal shewed unto us, the pope confessed unto him that he saw it likely to be true; and said that he was most sorrowful that it is not in him to remediate it in satisfying your desires; saying furthermore, that he will at all times most gladly do for your highness in this your great matter that he may do by the law. fol. 37.

But, as it chanced, the French king's courier arrived here the fifth day of this present, which was the day before the cardinal Tarbe was appointed to have departed; and, amongst other things, he brought a letter to monsieur de Tarbe from the French king, wherein the French king willed him that he should, upon the sight of the same, if he had been departed from hence, how far soever he had been in his journey, return hither, and to present his letter to the pope, and to set forth such things as are contained within the instructions; and that he should use no less diligence in this matter than if it did touch his own person.

The eighth day of this month the pope returned from Hostia, and came to a place here in Rome called Saint Agatha; for at the same time he could not come to his palace for the great inundation of Tiber, which was so great that it ran through every street in Rome, and in many streets it was

above two fathoms deep. The tenth day of this month, at the which the water was so fallen that men might ride in the streets, the cardinal, the bishop of Woorcetter, Conte de Ponte-Rimola, the French king's ambassador here resident, and I, went to the pope, and the cardinal presented the French king's letter to the pope. After the which read, the pope said that by the same he perceived the conjunction of the French king with your highness in this cause to be such, as he taketh this cause to be his own, and in the defence of the same he will stand as though the cause pertained alonely to himself; and said furthermore, that the said French king desired him to grant such things for the expedition of this your highness' great cause as should be purposed unto his holiness by the said monsieur de Tarbe and his ambassador

fol. 38. here resident. Then monsieur de Tarbe purposed the first degree, which was the commission to my lords of Canterbury, London, and Lyncolne. To that the pope answered, that we had asked the same before; howbeit, he said, that in the lieu of the bishop of London we named another. To the which we answered, and said, Truth it was, which was the bishop of Exceter; saying further, that if his holiness thought him more meet than my lord of London for the cause to be committed unto, that he would take him, and leave my lord of London. His holiness made answer, and said, he spake it not for that purpose. Then my lord of Tarbe said, that in his opinion it was a very reasonable petition, considering the extreme age of my lord of Canterbury, and his sincerity, good conscience, and great learning; and chiefly that he is chief of the queen's council, and who of likelihood would favour rather the queen's part than yours in his opinion. Wherefore if he should be thought suspected to any part, your highness should think it rather suspect than the queen. Your highness, therefore, asking the cause to be committed to him, declareth to all the world the sincerity of your conscience, and that your trust resteth only in the justice of your cause. And also shewed the merits and good qualities of my lords London and Lincolne; and chiefly their excellent learning, which, he said, he knew to be true of his knowledge. Which things well pondered, his holiness should, of reason and equity, commit the cause unto them, without desire of any part. To this his holiness

answered, that upon this petition we had stood with him many and sundry times before; and to that he had made us an answer, and other answer than that same he could not make us; which was, forasmuch as the queen had alleged the place suspected, he could not commit it thither again without her consent; and if she would consent unto it, he would most gladly commit it thither unto the said bishops. And to that, other answer, monsieur de Tarbe, neither we, could not get of him.

Then my lord of Tarbe descended to the second degree, which was for the commission to the clergy of the province of Canterbury. And here monsieur de Tarbe rehearsed the great number of the learned men that be in the same, and chiefly shewing that many of the bishops of the same province, and in manner those that be chief of them, naming Rochester, Hely, Bath, Saint Asse, and also many other of the inferior fol. 39. prelates, be of the queen's council, which without respect hath openly defended the queen's cause. And also, as it is written before, my lord of Canterbury is of the queen's council, which is chief and head of the same convocation; for the which all the world may perceive that your highness desireth not the commission unto them, for any affection or trust that they should bear unto your cause for your highness' behalf, otherwise than very justice and good conscience shall drive them unto. To this the pope said, that this thing we proposed unto him before many times and oft, to the which he had made us answer, and other, he said, he could not make; which was the very answer that he made unto, to the first degree. Then, I said, your holiness considered nothing but that the queen hath alleged the place to be suspected, which, I said, is not to be had in consideration; for the place of itself is indifferent, and cannot be suspected, unless it be by reason of some accident, which the queen cannot allege, other than your highness' powers and authority within your realm: which, I said, was not sufficient to conclude the place to be suspected, except your highness had shewed some acts of fear against them that had been against your highness, for the queen's part, in this cause; which, I said, that no man living could say that your highness had shewed to any of them, that were of the queen's part, any displeasure for that they have written or spoken for

her part; but rather your highness hath done for some of them; and here I named my lord of Derham. Wherefore I said that his holiness should not make so great a ground upon the allegation of the suspicion of the place. And furthermore I said that his holiness could, nother of reason nor of justice, hear the cause here, nother commit it to any other place than into England, by reason of the privileges and custom of that realm, which hath been inviolately observed, by time out of mind, to this day; which are, that no man of that realm should be convented out of the same in any cause; and for that all causes, that cometh hither by appeal, are always committed thither again. Wherefore, I said, if his holiness did not commit this cause thither, he should do against the prerogative, privileges, and custom of the realm, which, I said, undoubtedly your highness would not suffer, being sworn to the maintenance of the same. To that his holiness answered;—

fol. 40. If I would allege the same in the signature, or in presence of the part, I should be heard, and should have as much as the law will. We said that this was the extremity that he might put us unto. Then he said that he would do nothing in this matter, but that the law will, nother for your highness, nother for the French king, nother for the emperor; and other answer we could not get of him.

So then monsieur de Tarbe came unto the third degree, and read the latter part of the instructions, *de verbo in verbum*, unto the pope; which was, that if his holiness would not condescend to neither of the two degrees aforesaid, that then, if your highness shall come to provide for remedy to this your great cause, by such means as your conscience shall judge, being conformable and approvable by the learned men and universities in all Christendom, that his holiness would not molest nother travail your highness in it directly or undirectly, as by inhibition, censure, interdiction, or otherwise, &c. To this he said, that he would consult upon this in his council, and afterwards he would make us an answer unto it. Then monsieur de Tarbe said, that it was very necessary that his holiness should study to satisfy your highness in some of these degrees, or else, he said, that his holiness should see a greater ruin in Christendom than he hath seen hitherto, as he might clearly perceive by the latter

end of the instructions. To that his holiness said, that he would be most sorry to see it; and if it were in him to remediate it, he would do it most gladly of any man; and said, that if any such ruin, slander, and inconveniences should follow, he had liefer it should follow for doing his duty, than the like should follow for lack of doing his duty; and added unto it, that he was utterly determined to proceed in this matter according to justice and to the order of the law; and repeated again, that he nother for your highness, neither for the French king, nother for the emperor, would transgress one hair of justice. And I ensure your highness he was in a great fume. Howbeit, at the last, he asked a copy of the instructions. My lord of Tarbe said that he had no commandment fol. 41. to give a copy; neither it was the manner to give any copy of instructions without a special commandment. His holiness said that he would gladly have a copy of them, that he might better consult with his council upon the last degree in the instructions, and so to make an answer to us of the whole. My lord of Tarbe said, that he would be glad at any time to read them to his holiness or council. Then his holiness appointed the second day for an answer; at which time, because we would not give him a copy, he said he could not then make an answer. Then monsieur de Tarbe read the instructions unto him again. And then his holiness appointed the next day for the answer; at the which time he had appointed cardinal Anchona to make the answer in his presence, and said that, forasmuch as those things that we desired consisted in points of the law, he had ordained the said cardinal to make answer, saying that the answer that he should make we should take it for his holiness' answer, which was as followeth. First, he said that if his holiness could persuade the queen's proctors here to consent that the cause should be committed, as we desired, that then he might do it without grieving of any part. To that we said, if the queen's agents would consent unto it, we should not need to make so great instance for it. To the second he said in like wise, considering the queen had alleged the realm suspected. To that we replied, as is written before, alleging the custom withal. To that he answered, that we should come to the Signature, or Consistory, and allege it there, and we should be heard with as much

favour as might be lawfully. To that we answered, that we had no such proxy so to do. Then he replied again, that we might come as orators, with a protestation *de non consentiendo*, &c. To that we answered, that we had no such commandment so to do. Then he repeated again, that if the pope might persuade the queen's agents to consent unto this commission, his holiness might be glad, for he should be delivered of a great burden; and if his holiness could not persuade them unto it, that then, he said, forasmuch as the cause was advoked upon fol. 42. causes alleged by the queen's part, both in the Signature and Consistory, which were pondered maturely and deliberately, and so committed here according to the order of the law, his holiness could not, at your highness' desire, advoke the cause again of justice but by like order. To that we replied, and said, the foresaid advocacy was made, your highness not being called unto it; wherefore it could take no effect in law. But this notwithstanding, we could not bring it to no other point, but the order should be kept.

To the third, he said, that the pope, granting the same, should do grievously against justice; for the queen asking process, according to the order of the law, his holiness could not deny it unto her, unless he would deny her justice manifestly, which in this case he should in no wise do, considering that it is a cause of matrimony concerning your highness' and the queen's soul's health; being also a sacrament of the church, and that the knowledge of it naturally belongeth unto his holiness. Wherefore it should be necessary that in this cause he should bear himself upright betwixt both parties. And so doing, he did but his duty; and in so doing, whatsoever any of the parties should do against him, let him commit him to God, and God should help him. And this in effect was his whole answer.

And when we saw that we could not profit in none of the said degrees, then we practised, by monsieur de Tarbe's means, for a further delay, whom we moved to procure as of himself: and that he should persuade both the pope and the emperor's and king of Ungrei's ambassadors, that it should be very necessary, and chiefly for the queen's health, considering that if any process should be made here, at her suit, that thereby your highness should be greatly irritated against her,

and to take an occasion to expel her from your highness's company; which thing done, should not lie in their power to repair; which thing monsieur de Tarbe did so earnestly, as he said, that the said ambassadors did confess it to be of truth. Howbeit, they said that they had so strait commandment from their masters to call upon process, and have been so sore rebuked of them for that they have suffered such delays, that they dare not to consent to any delay. Howbeit, they said they had written to the emperor and king Ferdinand to fol. 43. know their pleasures in it, and that they looked daily for an answer. Then monsieur de Tarbe, as of himself and by himself separately moved the pope for to differ the process. The pope said he would most gladly do it, but he said he could not do it without the consent of the part adverse; and said furthermore, that he had written to the emperor that he should in any wise consent unto a delay, whose answer he looked for daily. At length, at the great suit of monsieur de Tarbe, the pope was content to suspend the process for three weeks longer, within the which the answer might come from the emperor both to the pope and to the said ambassadors; which delay the pope had promised to monsieur de Tarbe the same day that Francys the courier arrived here, which was the eighteenth day of this month; which thing he would should be kept secret, till his holiness had spoken with us again, which was for no other purpose but to see what resolution we had from your highness by the same courier. And, at our coming to his holiness, which was the next morning after the arrival of the said courier, he asked us if we had any commandment of your grace to promise, in case that any suspensacion of process here should be granted, that your highness during the same would attempt nothing there *de facto*. We, considering that the delay of three weeks was promised to the said monsieur de Tarbe, and within the same time the answer might come by the which we might have a suspension *per aliquot menses*, without promising of anything of your highness' behalf, or without any instance to be made for it by us, we thought therefore that it should be more honourable to your highness to have such a delay, which should be to that time which your highness hath expressed in your last letter, only by them offered and procured, than any that should have

been granted at the promising of anything, of your behalf, or by us procured as of our self,—for the which we said to his holiness that we had no such commandment. With that his holiness was somewhat altered; yet for all that, we, considering that it was doubtful whether the other part would come to the delay or not, and we being sure that the pope would not grant the delay without the consent of the other part, would not disclose unto him that we had any such commandment; but fol. 44. asked of his holiness for what purpose he was so desirous to know it. He said, to the intent that he might write again efficacilly to the emperor that he should consent. We said unto his holiness again, that he might, according as he had intended, write to persuade the emperor to it, and we would, in the meantime, write unto your highness, to know your pleasure in it. And here again we made instance for the commission, according to the custom. To the which he answered as is afore written; and other, he said plainly, he would make none,—not, as he said, because he would not, but because he could not. Then monsieur de Tarbe spake with him apart a good while, as he said, to have persuaded the pope, as of himself, to have a longer delay; and, at his coming again, shewed us that he could not bring the pope to grant no longer delay than three weeks, adding unto it, that his holiness said that he thought verily he should have such an answer from the emperor within the same time, that he may grant a longer delay; but, not being sure of it, he would not promise it. Then we said that the time was too short, for we could not, within the same time, write unto your highness, and have an answer again; and so we shewed the pope, but in no wise we could obtain no farther delay of him. And after this, the next day after, monsieur de Tarbe went unto him again, to have persuaded him to a longer delay, but in no wise the pope would grant it; howbeit, he said that he doubted not but, within few days, an answer should come from the emperor, and then he trusted we should have a longer delay. And so, the next day after, monsieur de Tarbe departed hence towards France.

And, sire, although before the arrival of the last courier we had alleged the custom and privileges of the realm, as is afore written, yet, to fulfil your highness' commandment, we went

to the pope, and made instance to him again for the commission, and alleged the said custom again, desiring him to ponder it well, shewing that if he did not, greater inconveniences should ensue than he thought at that time. Other answer we could not get than we had before. Then we said that if his holiness would examine this custom so exquisitely, and seek the reason of it, which hath been used by time out of mind, and now is certain, he should not do well; for his holiness should consider how dangerous it is to search for the reason of such things as hath been used long, and so taken for certain, lest those things which are taken now for certain, should be subverted; and also how grievously he would take it, if a man should ask of him the reason why he, being bishop of Rome, should have jurisdiction in all other churches and bishoprics. To that he answered, and said, that he perceived to what end this matter would grow, and said he would prove better his jurisdiction than your highness could prove your custom; adding, in a great fume, that he would not give us further audience in this cause of matrimony but in presence of his council. Then I said again, that it were well done that his holiness and his council should well ponder this matter; for there is nothing so certain in law, but, by seeking the reason thereof, it may be made doubtful; and what inconveniences may thereof follow his holiness may consider. To that, being sore altered, he made his accustomable answer, which is, that if the world should ruinate, he had liefer it should ruinate for doing his duty and office, than it should ruinate for lack of doing his duty; saying further, that if any such ruin or slander should follow, he would accumulate it to his other ills and infortunes: and said, that one thing should be his comfort, which is, that it should not follow by his default; concluding with a great vehemence, that, for anything that we should say or do, he would do nothing in this matter but according to the order of the law. We, seeing him being so sore altered, went no farther with him, knowing his nature such, that if he be brought once to an obstinacy, that it will be very hard to bring him from it. And I ensure your highness, as far as I can perceive by the knowledge that I have in him, that by piquant words your grace shall never obtain anything of him; nother by threatening words you shall never

put him in any fear, unless your highness or French king had an army here in Itali, as the emperor hath. Then, peradventure, your highness or French king might put him in fear, as
fol. 46. now the emperor may do, by reason of his army here. And, sire, I ensure your highness that I see verily that his holiness will do nothing in this your great cause but by process according to the order of the law. And from this I cannot see that it shall be possible that your highness shall bring him. And, on the other side, if your highness' cause should be known here now, it should be very dangerous, standing the world as it doth. Howbeit, if a man might give faith to a man's words, the pope will do that he may possible by the law for your highness. And his words sounding to that purpose, I did write in my last letter to your highness; which words many times since he hath repeated unto me after the affectionatest manner that can be devised. And in likewise, his holiness hath done the same to the cardinal Tarbe, which is by those words wholly persuaded that his holiness is to be trusted in that behalf. The pope hath committed to my lord of Tarbe certain things to shew to the French king concerning your highness' cause, of the which monsieur de Tarbe taketh a great hope; but what they are my lord of Tarbe would by no means shew me, saying that the pope hath so straitly commanded him to keep it secret, insomuch that his holiness commanded him not to write it, but only to shew it to the French king by mouth, and that the French king should signify it to your highness. The pope shewed me also that he had given such a commission to the cardinal de Tarbe. And one day I was in hand with him to have known what it was, and pressed him so far, that once he was about to tell me; but suddenly he said he would shew me more another time. And being sore altered by this thing that we have entreated with him now last, I can get nothing of him. But I conjecture it should be concerning the resolution of his council upon the dispensation.

Sire, shortly after my coming hither, the pope moved unto me of a dispensation for two wives, which he spake at the same time so doubtfully that I suspected that he spake it for one of the two purposes. The one was, that I should have
fol. 47. set it forward to your highness, to the intent that if your

highness would have accepted it, thereby he should have gotten a mean to bring your highness to grant that if he might dispense in this case, which is of no less force than your case is, consequently he might dispense in your highness' case. The other was, that I conjectured that it should be a thing purposed to entertain your highness in some hope, whereby he might differ your cause, to the intent your grace should trust upon the same. Then I asked his holiness whether he was fully resolved that he might dispense in the same case. Then his holiness shewed me, No; but said that a great divine shewed him that he thought, for avoiding of a greater inconvenience, his holiness might dispense in the same case; howbeit, he said he would counsel farther upon it with his council. And now of late the pope shewed me that his council shewed him plainly that he could not do it.

And as concerning those things that your highness, in your last letters, commanded Mr. doctor Carne and to me to search for, we shall not, by God's grace, omit no labours nor diligence for the searching thereof; and such things as we shall find with all diligence we shall advertise your highness thereof.

And, sire, where now the absence of my lord of Tarbe shall be to us a great lack, both for his authority for being cardinal and also for lack of knowledge of such things as may be entreated in the consistory, and congregation of the cardinals, concerning your highness' cause,—the knowledge whereof may sometimes confer greatly to the advancement of your causes here; considering also that there is here no cardinal, by whom we may have any such knowledge, and also that your highness hath written oftentimes to the pope in favour of my lord of Woorceter for the cardinalate; and that the pope is contented, at your highness' instance, to make him, if your grace would declare your grace's pleasure to his nuncio there, that it is your desire to have him, as I have written to your highness heretofore,—if therefore it would please your highness to shew your pleasure to the said nuncio in that behalf, so that he may certify the pope before the next imbyng fol. 48. days, which shall be in December next, he shall undoubtedly be made cardinal, as the pope hath promised me; whose promotion shall be greatly to your honour, and profitable to your

affairs here. And, for the better expedition of it, it shall be very good that your highness write a letter to the college of the cardinals, and also to send your commandment again, to solicit it to the pope.

By this letter, and the other in Latin, that my lord of Woorcetter hath written, and by me also subscribed, your highness shall wholly understand everything that hath been done, since the third day of this present, in your highness' cause, as God knoweth, who preserve your highness' most royal estate. And thus most humbly I commend me to your highness at Rome.

At Rome the 27th day of October.

Your most humble subject

and servant,

Wm. Benet⁴².

⁴² This letter was very correctly printed from the same original by Tierney in his edition of Dodd's Church History, vol. i. pp. 384-395.

Number CXLVIII.

*The king's letter to Benet, urging the immediate promotion
of the bishop of Worcester to the rank of cardinal, written
Nov. 24, 1530.*

By the king.

HENRY Rex.

Trusty and right-well beloved, we greet you well. Record
Office.
Letting you wit that forasmuch as by certain letters addressed unto us from sir Gregory de Cassalis, declaring the pope's holiness according to our reports made unto him in that behalf to be determined at these next Ymbring days to prefer the bishop of Worcestre to the degree of cardinality, our mind therefore and pleasure is, that ye first solicit his said preferment to his said holiness in our name, according to our former letters addressed unto his holiness in that behalf. And in case ye think any such difficulty to be in our said former letters as might at this time stay the said bishop's advancement; then our pleasure is, that with all dexterity, policy, and diligence, according unto the tenor of our letters, which now we send unto his holiness, the copy whereof ye shall also receive herewith, ye endeavor yourselves so on our behalf to procure the accomplishment thereof, as, if it may possibly at this time be obtained, it be no longer differred.

Given under our Signet, at our manor of Hampton-court, the 24th day of Novembre, the 22th yere of our reign.

Sealed and endorsed.

To our right trusty and right
well beloved Counsellor, Mr.

Doctor Bennett, our ambassador
resident in the Court of Rome.

Number CXLVII.

Holograph letter from Croke to the king, offering Parisio's assistance, on condition of his being secured 1500 crowns a year.

Record
Office.

PLEASE it your highness to be advertised, that after much labor of Parisius by his friends unto me to come and speak with him in Padua, because they alleged earnestly, that it should be for no little proferremente of your said highness' cause, at the last I went to him. And at my coming, most gracious lord, he first shewed unto me the emperor's letters, requiring him to counsel for the queen. Secondly, he told me, that he had a special commandment of the Senate, that he in no wise should write or meddle in the favor of your highness' cause. The giving of the which commandments he imputed to Vincentius de Russo. Whom then being dean *collegii jurisperitorum* in Padua, the protonotary brought unto my lord of London. And he, when my lord had broken the cause unto him, noised immediately throughout all Padua, that the case pertained unto your highness, and was against the queen's, being the emperor's aunt; and so dishortyd and lett'd the matter all that he might. And thus was your highness' case first openly known, and hindered in Padua.

Afore the which rumor whosoever had commyn with your highness' case to him, the said Parisius bad me shew your highness that he for less than 30 crowns would have delivered his counsel gladly therein.

Thirdly, the said Parisius advertised me of a truth that the senate had cited Marcus de Mantua because that the said Marcus had written in the favour of your highness' cause. And herefore he blamed much the indiscreet dealing of doctor Antonius ab Angelo, the which spared not at the time of justice in the common hall at Padua, where justice is kept, openly afore all men to offer money to every doctor that he met, to subscribe there the said counsel without regard whether the said doctor were learned or unlearned, canonist or civilian.

The which handling the said Parisius bad me to shew unto your highness, upon his honesty, was much slanderous, not only to the said subscriptions, but also unto the whole cause. Notwithstanding, because that the said Parisius told me, that Francischinus de Curta had 60 crowns to hold his peace, and not to write against your highness, I judged these his reports to the desire of his own advancement, unto the time that I heard divers sad men, and such as both loveth and honoureth your highness, lament this handling of your most high cause. And farther, the remnant of the doctors that had not subscribed, conceive such fear of the citing of Marcus de Mantua, that with great difficulty I could get any more to subscribe. And farther, heard many of the imperials brag and boast that the king of Englande had none but Rastallus to subscribe for him, and yet was faine to give money for to have them; with other words that becometh me not to rehearse. The which were cause that the vicar of the potestate of Padua, which afore had promised to subscribe, refused so to do. Whose example alone would have won your highness an hundred. For he hath borne Rome in the most part of all the great cities longing to the Segnorye. It is therefore much needful for your highness, most gracious lord, earnestly to expostulate with the Segnory for forbidding them that hath taken earnest of your highness, not to write for the same. And Parisius bad me shew your highness, if he were discharged of their commandment, and the emperor's requests of late made unto him, and by him answered unto, that he had received earnest of your highness, afore the emperor's commandment, he would gladly write and do the best he can for your highness. And in case that cannot be obtained, so that your highness will grant him yearly, and give him a thousand and 5 hundred crowns, to the which value, he yearly hath of the Segnorye, and out of the realm of Naples, he will forsake the Venetians and the emperor, and serve your highness, (if it so please the same) in Rhome. And the said Parisius' request is to have this sum other by abbay or prebende. I trust, most gracious lord (notwithstanding that I am purposely destitute of money because I should be able to do nothing in your highness' cause,) shortly to bring unto your highness such a number of subscriptions, and of such authority, that your highness shall

see that I might have done exceeding much good in your most high causes, if my endeavour and goodwill had not been extremely hindered. And thus I beseech the most blessed Trinitye to have your most noble grace in his most blessed tuition.

At Venice the last of November, with the rude hand of

Your highness',

Most humble servant,

Richarde Croke.

To the king's highness own hands.

⁴⁰ Enclosed in this document is a paper consisting of two leaves, endorsed by Croke,—*Copia nominum doctorum Patavinorum scripta per unum ex iudicibus Patavinis.*

It contains the names of 29 Paduan doctors subscribed to the cause, and another list of 32 *non subscripti*, and a third list of 12 *in dubio*.

Number CL.

Copy in Croke's hand of a letter written by him to Foxe from Bologna, soon after the 19th of December, 1529, giving some account of the latter part of his journey.

[VENI B]ononiam decimâ nonâ Decembris, maximis diffi-
[cult]atibus, non tantum febriculæ causâ quâ urgebar, sed
[etiam] itineris, quod quam molestum et periculosum sit, tu
non igno[ras], qui vidisti ad singula vestigia prope mortem
expectandam. [Su]peraveram Alpes quarto quo a Lugduno
discesseram die, licet vehementior ventus unum ferme diem
nos ad Monte-Synay retinisset. Sed montes illi qui inter
Saonam et Tarensium intercedunt nobis maximas moras in-
jecerunt. Quippe tam abrupti et præcipites ut vix vestigii
spacium jumentis relinqueret. Sensi bestias sub me tremere
et sudare præ timore. Et mihi quem fuisse animum putas,
cum pendere me in montibus viderem, et tamen bestiis magis
fidendum quam ipsi mihi suaderent itineris duces? Non semel,
mihi crede, optabam commisisse vitam castris Mediolanensis
ducis, a quibus non modo spoliatos ducis Sabaudix cursores
hodie intellexi duos, sed nonnullos etiam cum equis cæsos.
Hoc scio, nec Ligurum quempiam nec Hispanorum aliquem
ausum ea transire, quamvis viginti comitati equis. Sed con-
cordia ducis Mediolanensis, qui se dedidit Cæsari, et hic modo
in Cæsaris aulâ versatur, eam viam pulchre purgavit. Quos
numeraveram ex relatu aliorum a Lugduno angariarum
sumptus, magnâ meâ jacturâ numerâsse scias; nam precium
ordinarium non modo servatur, verum etiam crevit in duplum
per totam fere Italiam, sed et postarum numerus auctus est
pariter cum precio. Cursor meus narravit mihi a Cestriâ ad
Parmam nunquam minori quam aureis singulis conduci singulos
equos; a Zoanâ vero usque ad Cestriam nunquam majori
quam dimidio scuti, hoc est franco Gallico; at illic, licet equi
pessimi, neque currere unquam liceret, petunt pro singulis
equis singulos aureos, nec aliam afferunt rationem iniquitatis

Vitell.
B. xiii.
fol. 6 b.

suae quam *volo habere, dabis mihi tantum, aliqui equos a me non habebis*. Itinera sunt periculosa jumentis. Certe nobis jumenta non minus quam itinera erant formidanda. Horret narrare casus meos. Certe Simoni prope Jenuam casu jumentum brachium luxatum est. Ego licet in me equus præcipitanter ferreretur, nihil sensi mali, (Deo gratia,) nisi ex nimia concussatione febrem et intestinorum immodicam profluxionem. Jam, ut mea omnia primo dicam, in Italiâ nemo ducatos illos Pauli quos aliter mirandulosos vocant nisi cote exploratos capere audet; ita sunt adulterati argento. Deinde non pro majori pecuniâ quam scuto et dimidio; et sic mihi perierant, quemadmodum et Domino Wigorniensi, quarta singulorum pars, quotquot in Italia mutaveram. Mutavi autem in Galliâ tantum triginta; sperans fore ut in Italiâ pluris valerent. Ubi in Italiam, nemo fere eos capere voluit. Immo horrere eos omnes; et si quos ceperint, non ultra scutum et dimidium ut pro eis darent, potui extorquere. Amisi, crede mihi, in illis, quindecim plus minus libras. Narraverat mihi Dominus Wigorniensis obtrusisse illi maximâ jacturâ illos, Turcam. Tu scis non posse ferre [me tã]ntam jacturam. Et nollem libenter conqueri de Turcâ. [Inve]niendus ergo est modus aliquis, ne ego perdam. Egi de [dispensationi]bus tuis cum Gregorio de Cassalis, qui de dispen[satione] horarum Canonicarum dubitat, et putat rem esse [difficilem, se]d de aliâ dispensatione nihil hæret, de quâ [nos maxime] dubitabamus.

fol. 7. Egi de dispensatione horarum Canonicarum cum domino Wigorniensi, tam pro me quam te. Ille difficulter concessurum [Pontificem putat] quod nihil tale hactenus concesserit; et narravit aliquid impetrâsse ulterius [de] orationibus canonicis, sed ignorare quidnam id sit. Si Pontifex alicu[i] concessit, nihil dubitat impetraturum tam mihi quam tibi. Si non concessit, fallendum hoc [modo] putat Pontificem, ut, numeratis omnibus modis in Angliâ horas dicendi, tam paschate quam alias, oremus ut liceat secundum brevissimum ipsorum modum [per] totum annum dicere, simulque liberos a matutinis Virginis esse. Non comm[unicavi] aliam dispensationem tuam episcopo, admonuique Gregorium, non esse communicandam, quoniam tu ita jusseras. Quanquam ea res hic nullius habetur momenti. Hoc die acturum se cum summo Pontifice de tuis dispensationibus Gregorius promisit. [Et] episcopus tam pro me quam te

hodie aget cum Pontifice de horis Canonicis; pro Hawkino tamen non libenter agit. Tu vide ut pecunia nobis pro his rebus non de[sit], et curabo ut Hawkino quoque omnia impetrentur. Episcopus humanissime me tractat, sed non putat consultum ut in illius ædibus habitem; assignavit tamen mihi domum sibi propinquam et nocte solâ vult ut se adeam. De reliquis ejus consiliis literæ meæ ad Regem te docebunt. Nobis nunc Venetias eundum est, inde Rhomam. Vides ergo ut iter et sumptus crescant. In te uno et domino Stephano spes mea sita est. Non credis quam hic omnia chara, et Rh[omæ] tamen triplo solito omnia esse chariora Dominus Wigorniensis dicit. Tu cognoscis impensas angariarum et pecuniam in ducatis perditam et facile jud[icabis] me totum exhaustum. Pontifex Maximus et Cæsar in unis cubant vivuntque æd[ibus]. Cardinales Episcopique hic omnes, sed et ipse summus Pontifex et Cæsar, barbati incedunt. Cardinalium magna pars violacea est, non rubea. Cæsare[m] et Pontificem adhuc non vidi, sed nec oratores nostros, ne agnoscar ab ipsorum ministris. Quotidie hic delectus fit, conducunturque adversum Florentinos, milites. Comparantur undique ex totâ Italiâ tormenta bellica. Nec quisquam omnium [est] principum Italorum, neque civitatum aliqua præter Venetos, qui Cæsari huc non mittat tormenta et militem. Vidi hic pulcherrimum exemplum. Missus est Bononiensis quidam ad Castellum Francum et Mutinam, ad procuran[dum] tormenta. Hic, pagos adiens, agebat cum rusticis ut isti mitterent quæ ap[ud] ipsos erant, et simul, ut plaustra pararent ad convehenda tormenta. Id cum illi ægre ferrent, acceptâ ab ipsis pecuniâ, simulavit se remisisse ipsis laborem. Res huc allata est. Non citius ergo venit in oppidum Bononiensium, quam equitanti manus per Hispanos injectæ sunt homini; et eques productus est in capitolum, ibique in oculis ipsius Pontificis, non dato con[fitendi] ocio, e capitolio suspensus.

Number CLI.

Copy in Croke's hand of his letter written on his arrival at Bologna, to the king, soon after December 19, 1529.

Vitell.
B. xiii.
fol. 6 a.

CUM venissem Thaurinum, invictissime princeps, [intellexi] illic non modo ducis Sabaudiaë cursores expoliatos, [sed] etiam nonnullos partim caesos, partim bonis omnibus atque [ipsis] vestibus exutos, nec audere quemquam aut Liguriorum aut Hispano[rum] incedere per crebra quæ eâ fiebant latrocinia. Cogebam [cedere] timori meo, et ad montem Callirrhon pariter cum aliis declinare, atque ita committere vitam meam non solum montibus sed etiam flu[minibus] illis periculosissimis, quæ inter Saonam et Tarensium perpetua intercedunt. Quo factum est ut et multo tardius quam volueram, et longe majoribus opinione impensis Bononiam pervenerim. Quo scio nunquam salvus pervenissem, si cursoris optimâ fide et diligentia caruissem. Impedimenta itineris et angariarum impensas, quæ supra viaticum quadraginta libras excedunt, par[tim] Latine ad Foxum descripsi. Illud cogit me non modo fides in majestatem tuam mea, sed privata etiam jactura, admonere Celsitudinem tuam, ut ne posthac ducatos mirandulanos, quos aliter Sancti Pauli vocant, in regnum tuum patiaris induci. Sunt enim ita argento adulterati, ut non nisi [ad] cotem exploratos, et ne sic quidem nisi gravatissime, pro scuto et dimidio illos admittat prudens Italia. Sensit non mino[rem] me in eis jacturam Reverendus Dominus Wigorniensis, gravissimus et fidelissimus majestatis tuæ orator. Qui pro suâ singulari prudentiâ, antequam venirent litteræ Majestatis tuæ, animi tui scrupos præviderat et ad eos tollendos longe ante remedium excogitavit. Hi[c] mecum tam de aliis Majestatis tuæ rebus, quam meâ in urbe m[orâ] statuque, quid jam statutum sit (quod cifras non habeam) non ausim h[is] cursoriis committere. Tanta est enim militum Hispanorum (qu[i] passim per itinera sparguntur) audacia, ut omnes omnium sine distin[ctione] literas et resignent et legant. His ergo hoc unum inserendum putavi, scilicet ex Reverendi Domini Wigorniensis consilio,

cras hinc Paduam, illinc Venetias, inde Rhomam mihi commigrandum. Reliqua oratoribus Majestatis tuæ committam. Superest ut obtester regiam istam clementiam tuam, ne me hic pecuniâ destitui patiaris, quod n[ecesse] est ut eveniat, nisi quam in angarias (quæ nullum in Italiâ in hoc bello modum aut legem agnoscunt), ocyus transmitt[endam] pecuniam imperas. Vix enim ex dietis superest decem dierum viaticum. Neque essem [par] prosequendo iter meum nisi (quod dixerat futurum Celsitudo tua) Dominus Wigorniensis petenti nomine tuo aureos centum mihi dedisset mutuo. Bene Vale.

Number CLII.

Copy in Croke's hand of a letter written by him to Stokesley from Bologna, December 27, 1529, giving some account of his own intentions and those of the bishop of Worcester.

Vitell.
B. xliii.
fol. 8.

QUÆRIS a me, clarissime Stoxleie, quid in itinere adhuc egerim. [Coactus] sum, propter creberrima, quæ eâ fiebant latrocinia, rectam declin[are viam], atque adeo præcipitia illa, quæ inter Saonam et Tarensum interced[unt], scandere, torrentes paludesque transire. Vis ergo scire quid feci? Se[imper] timui, semper fere mortem expectavi vel a jugis, vel a torrentibus [et] a paludibus. Horret animus cogitare pericula quæ evasi; et adhuc videor sentire ipsa jumenta subtrementia. Ego tamen incolumis, cum sinistro casu brachium luxatum est. Febrem passus sum ex concussionem agitationemque; sed eam pavor credo dispulerat. Veni Bononiam, idque ægre, licet solidas aliquando noctes equitarem, 19 Decembris; ubi ab episcopo intellig[ebam] inventum Nazianzenum, sed in eo non esse talem epistolam; hoc se aiebat intelligere ex nepote Græce docto, cui quærendi munus injunxerat. Immo jussisse ait ut omnes Gregorios evolvat, si fortasse nomen te fefellerit. Omnino vir diligens, et regis causæ studiosissimus est Dominus Wigorniensis, cui salutem tuam sum impartitus. Hujus fidem quoniam habeo exploratam, quod me cum Judæis Rhomæ, medio Silvestri, facere voluisti, id auctore episcopo, cum Bononiensib[us] faciendum putavi. Ceterum, præsentem Cæsarem, obmutescendum est. Ubi ille discess[erit] et Pontifex morabitur hic, episcopus tam cum Judæis quam Theologis de [causâ] est tracturus. De Theologis bene sperat, quod omnes hic Thomistæ, ut spes sit, episcopi operâ, Academiam pro nobis pronuntiaturam. Pœnitenciarii munus mihi ambiendum (ut tu suaseras) putat episcopus. Hoc enim pacto et habendum me Pontificis ministrum, non regis, et liberum patere ad bibliothecas accessum, et in burgo (quod vocant) vicino bibliothecis, domum posse habere, quod alioqui non

possem, dicit. Vult episcopus ut ego Paduam, Venetiasque, bibliothecas scrutaturus contendam. Ubi decrevi,⁴² oblique tamen, Theologorum animos, maxime si qui Thomisticæ factionis sint. Agam etiam cum Judæis. Spero successum ipsum probaturum tibi diligentiam meam. Solum ne mihi desit pecunia. Non credis quam legem nullam agnoscunt nunc postæ, quam nullum servant mod[um]. Duplicant enim precia equorum, et nullam ejus rei afferunt rationem aliam nisi *volo habere*. Sed et hospitia omnes spoliant. Perdat me Deus, nisi ægre tribus ducatis in diem vitam hic sustineam; ita militia Cæsaris Bononiam exhaustit; et tamen Dominus Wigorniensis omnia triplo chariora Rhomæ quam hic affirmat. Quo modo ergo vivam, quo modo regi inserviam, cui non tres in diem ducati conceduntur? Vult rex ut aliquot autenticos, qui instrumenta nostra authorizent, conciliem; Ubi pecunia? Tua, mi Stoxleie, commendat[i]o fecit ut huc me mitteret rex. Vide ne inopiâ pecuniæ regiam causam cogar destituere. Opus est ut aut literas ad Trapezitam alia[s] regis habeam, aut rex usque ad certam summam mihi jubeat ab episcopo numerari, ne, cum aliquod operæ precium inciderit transigen[dum], non habeamus quo conatum producamus ad effectum. Obsecro te, mi Stoxleie, ut pro tuâ bonitate et de me optimâ conceptâ opinione regiam Majes[tatem] serio pro me interpellas. Scripsissem per cursorem Gallum, sed id vetuit facerem, metus Hispanorum militum, qui sparsi in itinere omnes omnium literas resignant; atque ita periculum fuisset ne proderentur archana regia. Quod ne posthac timeatur, his inserui cifrarum minutam. Pa[x] inter Cæsarem et Mediolanensem et Venetorum duces transacta est. R[esti]tuerunt Veneti Pontifici et Cæsari sua cuique opera, et centum mili[a ducatorum] Cæsari pendere fide Venetâ sunt polliciti. Dux Mediolanensis [nongenta] milia pendit Cæsari, ejus fratrem majorem natu, qui adhuc apud Gallos est, futurum Cardinalem constans hic [fama est. Jam] hoc te oblectare posset. Nativitatis die sacri- fol. 8 b. ficavit publice Pontifex. [Necnon] sacro interfuit Cæsar. Verum et ingressus et egressus solus cum [su]o comitatu templum est. Puto noluisse una cum Pontifice exire templum, aut ingredi, ne aliquid Pontificiæ Majestati Majestas

⁴² Some word like *tenture* is wanting.

Imperialis deferret, quam magno spiritu modo efflant Hispani. Pontifex barbatus, Cardinales et episcopi fere omnes hic incedunt et tonso capite et demissâ barbâ. Si vestitus adesset, Landesknights eos esse putares. Bene Vale.

Bononiæ, ubi inopiâ pecuniæ hactenus coactus sum expectare.
6 kal. Januarii.

Dominus Wigorniensis te salutât et fideliter et plurimum.

Number CLIII.

*Copy in Croke's hand of his letter to the king from Bologna,
Dec. 27th, 1529, giving some details of his plans of
operation.*

REVERENDUS Dominus Wigorniensis, illustrissime et po-
tentissime princeps, ut est in tuis causis fidelissime sollicitus, et
per amicos cum Theologo quodam eximie erudito, feliciter se
egisse ait, et illius scripta quotidie expectare. In causâ tamen
Majestatis tuæ, præsentem saltim pontifice et Cæsare, aliquid hic
attemptare nec ausus est, nec putavit consultum. Porro ab
ipsorum discessu, et cum Judæis, quod mihi faciundum suasit
Stoxleius, molietur, et cum Theologis, qui (quoniam hic omnes
Thomisticæ sectæ sunt), ut pro Majestate tuâ pronuncient non
desperat effecturum. Certe anxie videtur in hoc negotio
diligens. Proinde, ne ullus suspitioni locus detur, quid hic
ille mecum communiter tractemus, neque hic, neque Rhomæ,
mihi cum ipso habitandum putat; vult tamen, absente pon-
tifice, ut Rhomæ suas habitem, et hic mihi vicinas sibi con-
signavit. Quoque res magis ab omni suspitione procul sit,
visum ipsi est ut non recta hinc Rhomam, sed primo Paduam,
tentaturus illic Theologorum animos, deinde Venetias, biblio-
thecam scrutaturus Græcam, contendam. Rursum ab Venetâ
Rhomam, illicque (si vacet) Pœnitentiarii munus ambiam.
Quod ut assequar omnem suam operam opemque pollicetur.
Et, si assequar, rem extra omnem suspitionem fore adeo nihil
dubitat, ut liberrimum mihi semper ad quamlibet bibliothecam
accessum futurum affirmat, scilicet quod hoc nomine Pontificiæ
non tuæ Majestatis minister sim habendus. Jam, ut videat
Regia bonitas tua, quam eximiâ quamque anxîâ diligentîâ
doctissimus et idem fidelissimus subditus tuus Dominus Joannes
Stoxleius hanc tuæ Majestatis causam sustineat, mitto ad
celitudinem tuam ipsius (ad postulata quidem mea) instruc-
tiones. Ex quibus quot scripturarum loca mihi sint evol-
venda, et super ipsis singulis authores consulendi, cum intel-
lexerit prudentia tua, non ægre impetraturum a regiâ istâ

Vitell.
B. xiii.
fol. 12.

clementiâ tuâ spero, ut cogitet quantum oneris tenuitati meæ imposuerit, cui in mandatis est, ut ex tot tamque variis authoribus, si quid causam adjuvet tuam, id ego totum non semel sed ter et eo amplius describam, relictis semper apud Reverendum Dominum Wigorniensem singulorum duplicatis triplicatisque. Quoque certiolem hinc laborem expectem, magna spes est felicissimi Stoxleii memoriâ magnam horum authorum partem pro majestate tuâ pronuntiaturam. Porro, quod jussit ille, ut cum Judæis Rhomæ id si commodè fieri posset cum iis qui Paduæ sint primo transigam, alioqui vero et oblique et velut aliud agens, Theologorum illic animos subiens atque explorans, discedam Venetias; spero fore ut neque fidem neque diligentiam in hâc re meam Majestas tua sit improbatura. Non sinit tenuitas mea tacere apud bonitatem tuam, invictissime Rex, Bononiæ tribus in diem ducatis ægre mihi vitam toleratam. Et Rho[mæ] quam hic omnia triplo esse chariora constanter affirmat Dominus Wigorniensis, ejus consilium est propter occulatam in exquirendis ar[chanis] alienis hospitum Rhomanorum curiositatem, ut solus Rhomæ sol[icitem,] neque cum alio quopiam quam se aliquid unquam habeam commercii oratoribus tuis committenda putavi. Bene et [feliciter vivat] valeatque illustrissima Majestas tua

fol. 12 b. Absolutis literis quas oratoribus Majestatis tuæ commisi perferendas, invictissime et potentissime princeps, coactus sum, partim ob literas ad illos qui me in Patavinam et Venetam bibliothecam introducerent, partim ob responsum quod e Rhomâ ad suas expectabat Reverendus Wigorniensis, quo me hinc ad omnia dimitteret instructiorem, in hunc usque diem Bononiæ manere. Sed maxime omnium ob pecuniam quâ me Rhomæ alerem, ubi aut pullusculum, aut quantum unico in diem alendo ministro sufficeret panis, dimidiato ducato se nunquam potuisse comparare sanctissime mihi juravit Dominus Benedictus. Invictissime rex, diurnus potus Bononiæ vix ducato redimitur, et tribus hic ducatis in diem ægre mihi victus comparatur. Nec dubitat Wigorniensis omnia adhuc Rhomæ quam hic triplo chariora. Quâ intellectâ penuriâ, cogebar de victu vitâque anxie esse sollicitus. Itaque adeo oratores tuos ut pro me tuis deberet Majestas tua quam peregrinis, si quam pecuniam ab

ipsis possem accipere mutuo. Illi partim respondent, vereri se ne maximis Bononiæ sumptibus pecunia sua non suffecerit, partim, præter immensam omnium rerum hic caritatem, mensariorum perfidiâ verissime se queruntur destitutos. Quod igitur unum supererat, tento Vigornensem, qui Majestatis tuæ gratiâ statim mihi centum pollicitus, non potuit tam cito quam est pollicitus eos mihi, deceptus et ipse a mensariis, numerare. Et hæc meæ tam diuturnæ hic moræ præcipua causa; sed non debeo celare clementiam tuam, promptissimam illam Vigorniensis ad me juvandum alacritatem. Ubi enim anxium vidit ne inopiâ meo in majestatem tuam officio Rhomæ non possem satisfacere, et bono animo esse jussit, et sacerdotis fide, interponens juransque, appositâ ad pectus dextrâ, in hæc verba erupit;—Ego, Croce, hanc vitam despondero, citius quam fuero passus regis mei aut causam aut ministrum hic destitui. Immo, si vel unicus mihi superesset panis, illum etiam e buccâ meâ cum ipsis partirer medium, citius. Certe humanissime, ut audio, quoslibet Anglos semper tractat. Et tuam hanc causam illum non maximâ modo prudentiâ sed etiam fide, integritate et diligentâ tractare, eventus (uti spero) probabit. Bononiæ in ipso ad Pataviam procinctu.

6 Kalend. Januarii.

Number CLIV.

Copy in Croke's hand of a letter written by him from Bologna to Foxe, December 27, 1529, complaining of the expense he has incurred.

Vitell.
B. xiii.
fol. 9.

QUOD scripsi ad regem, doctissime et humanissime Foxe, vix mihi duobus d[ucatis] et dimidio vitam in diem hic tolerari, non succurrebant tamen cubi[culi] focique impensæ quas nunquam sim salvus si ducato dimidiato m rediō. Et Rhomæ tamen omnia multo chariora affirmat Dominus Wigorniensis. Quam nunc sit pecuniæ famelica Italia, quam ferme exhausta potius poteris ex Sampsoni literis. Non convenisti me penuriam quam querar, improbe, videre. Sed hoc metuo, ne defectu viatici cogor Rhomæ miserum esse, atque adeo regi male inservire. Si ego victu non destituar, mo[riar] citius quam sinam regiam causam per me destitui, aut vestram de meâ diligentia conceptam opinionem falli. Cogit me inopia, cogit me formidata penuria, orare te ne causam habeam putandi quod magis ut ipsi has misérias declinaretis quam ut mihi benefaceretis, hanc mihi provinciam feceritis delegari. Non possunt excidere animo pericula quæ obii; et Rhomam plenam latronum esse omnes affirmant; et quid credam aliud, cum singulas noctes hic quattuor aut quinque jugulari vide[as]? Multi ambiunt benedictionem Pontificis. Ego ab illius manu velim esse quam longissime. Dixti mihi postarum pecuniam me Lugdunum aut Bononiam præventuram. Sequitur me post quartum decimum quam ego discesseram diem nuncius, et idem me prior accedit Bononiam, et nihil de pecuniâ audio. Fefellit opinionem tuam Sampsonus, et nescio, nisi mox ad ipsum ut mihi egenti numeret, scripserit rex, an amplius mutuo sit daturus Wigorniensis. Memineris auctum jam mihi iter, crescereque in immensum impensas. Et si ego ad diem Wigorniensi fidem meam non liberem; an quid ille postea mecum periclitabitur? Neque lente agendum est, nimis enim urget necessitas nostra et iter longum. Nuncii partim rari, partim infideles, et in itinere multa pericula, casus multi. Hæc te

hominem prudentem fugere non possunt. Obsecro ergo tam sis memor mei quam ego sum tui. Immo impetret a te regia causa ne ego destituatur. Cui ut inserviam diligentius, fidelius et secretius, excogitavi scripturam cifraticam qualem qualem, scilicet ut si quid feliciter, tu ejus cum rege communicati fructus primos habeas. Minutam earum his inserui. Quod ad tuam causam attinet, poteris videre ex literis Gregorii quid effecerim; sed heus tu ne nimis falso gaudio crepes, egit adhuc ille nihil. Id ab eo hesternâ nocte arte intellexi, et ex Wigornienti responsum ejus, ejusmodi ad me esse quale tu mihi posses dare, nunquam interpellato rege. Quoniam ego pecun[iam] postarum postulo, egi cum rege, qui jussit ut cum Turcâ pro te ager[em]. Non communicavi aliam dispensationem tuam adhuc Wigornienti et . . . doleo Gregorio communicasse. Immo puto nos tuto potuisse neque o[mnino] communicasse Wigornienti. Est enim homo synceræ fidei et . . . reliqua dispensatione se suas partes interpositurum jam . . . sibi. Gravitas ejus tanta est ut neminem inani sp[eci]e decipiat. Tu ergo,] mi Foxe vide ut pro te et pro Haukino gratias illi fol. 9 b. agas . . . plane ut meretur, et merebitur nihil dubito ampliter. Obsecro te ne me patiaris pecuniâ destitui. Ante Martium non accedet Rhomam Wigorniensis. Per nuncios ergo et Tabellarios (quod jubet rex) si quæ offendam quæ pro Majestate ejus faciant cum episcopo communicanda. Et hic quis sumptus, quam sint omnia et hic et Rhomæ cara, tu jam ex literis meis ad regem poteris intelligere, et proximis nunciis idem docebit per literas te, ut tu id doceas regem, Dominus Wigorniensis. Obsecro ne permittas ut qui domi saturi nullius egeant nostram hic famem suâ luxuriâ et copiâ apud regem mentiantur. Vale. 6 Kalendas Januarii.

Obsecro te etiam ut regem ores, ut mearum literarum improbitatem æquanimiter, hoc saltem tempore, ferat. Redditis enim illis de archanis, non ero tam iterum improbus.

Number CLV.

Copy of Croke's letter to the protonotary, John Cassali, giving an account of the books he had found, and begging him to use his influence with the Council of Ten, to procure him access to the Venetian Libraries.

REVERENDE Domine Protonotarie,

Vitell.
B. xiii.
fol. 10.

Sancti Chrisostomi commentarios græcos in universas Pauli epistolas, Maximi Planudis in utrumque testamentum annotationes, opera Gregorii Nazianzeni omnia, denique Græcorum authorum super evangelia rapsodiam quandam immensam, adhuc Venetiis apud episcopum Theatinum et libenter audio et vehementer gaudeo. Ceterum et eum quem nos quærimus Nazianzenum et quadringenta alia volumina Græca in pontificiâ bibliothecâ desiderari narravit mihi, vir extra omnem aleam doctissimus et optimus, Reverendus dominus Aleander, nunquam a me sine honoris præfatione nominandus. Cujus in hac re opinio falli non potest; utpote qui ejusdem bibliothecæ primus præfectus sit. Proinde cum habeam in mandatis ut hos libros fideliter legendo percurram, omnesque hic esse manifeste constet, non videbatur consultum ad eos perquirendos ante festinare Rhomam, ubi periculum est ut non sint, quam a tuâ in regem fide didicerim, quid de istis hic sperare debeam. Apud Aleandrum, conciliorum ecclesiasticorum volumen unum vidi Græcum, idemque antiquissimum, et idem mihi narravit Nazianzeni epistolas omnes in bibliothecâ Venetâ esse. Ego igitur, qui habeo persuasissimum eam esse tuam in hac urbe vel gratiam vel auctoritatem ut quidvis a quovis impetrare posses, expecto ut et mihi sui Nazianzeni copiam faciat Senatus Venetus, et reliqui omnes nihil mihi in tuam gratiam librorum negent. Quid interim ex quo adfuisti effeceris in hoc negotio, obsecro mihi per literas significes. Quod non exigere ut faceret Dominatio tua, nisi me sic negocia distinerent ut vix hæc ad te scribendi ocium esset. Vale. Ex ædibus meis 19 Januarii.

Number CLVI.

Copy in Croke's hand of another letter to John Cassali, urging him to write to his brother sir Gregory, to procure a dispensation for him from the pope, and answering his question as to what books he wanted to have access to.

REVERENDE domine salutem plurimam.

Obsecro Dominationem vestram ut ad fratrem vestrum scribatis, uti quam pollicitus est mihi dispensationem procuret. Vitell.
B. xiii.
fol. 10 ad
med.
Quod si faciat, erit et quod illi et vobis omnibus perpetuo me debere putem. De libris si quibus habeam opus omnes enumerare debeam, certe plaustis quibusdam opus esset. Cæterum ut postulationi vestræ fiat satis; Basilii opus ad monachos, quod quæstiones vocant, ante omnia mihi quærendum est; deinde, epistolæ Nazianzeni, et opera Crysostomi in Scripturas, Græca omnia. Sed et librum conciliorum Græcum et super utrumque testamentum commentariorum τῶν ἑλληνικῶν τὰ πάντα ἀπαντα præcipue autem quam rapsodiam, seu inepto Latine vocabulo catheram, vocant; denique Maximi in utrumque instrumentum opera omnia obsecro, ut quâ soletis diligentia omnia conficiatis, et quam brevissime poteritis omnium bibliothecarum Venetarum, maxime autem S. Marci, indices curetis exhibendos. Pudet enim tantillo hic et temporis magnope[re] obsecro ut juvetis quam potestis maxime conatus meos, et nihil dubitetis quin quamecunque mihi exhibueritis humanitatem id me τῷ βασιλεῖ gratissime commemoraturum. fol. 10 b.

Valeat feliciter Dominatio tua.

Ex ædibus meis 20 Januarii.

Tuus ex animo

R. Crocus.

Bibliothecam Sancti Joannis et Pauli vidi.

Number CLVII.

Copy in Croke's hand of his letter to Ghinucci, intimating his suspicion of the Cassalis, and explaining how many authors he had read through to find opinions in favour of the king.

Vitell.
B. xiii.
fol. 13.

DIU quæsitum et maximâ difficultate inventum tandem Hie[ronymum] Aleandrum sum allocutus; qui habere quidem se solum librorum [tam Venetorum] quam Rhomanorum verum indicem dicebat, et supra quadring[enta] volumina Græca in Pontificis bibliothecâ desyderari a suo scriptum nuper sibi affirmabat. Jam Nazianzeni in biblio[thecâ] Pontificis epistolas esse dixit, sed neque omnes neque illum quem nos qu[ærimus] librum. Narravit etiam mihi non Aleander modo, sed etiam pater Valerianus Bergomensis, vir in utrâque linguâ doctus, esse hic quoque episcopum Theatinum, qui non solum Nazianzenum sed etiam Maximum Pl[anudem] et Chrysostomum et Rapsodias multorum commentariorum in utr[umque] testamentum haberet, præterea omnes fere authores quos mihi ex mandato nostri Regis legendos mihi Rhomæ annotavit Stoxleius. Nec minorem esse commentariorum Græcorum apud Veronensem episcopum, (idque in sacras literas) copiam. Jam plurimum apud Theatinum posse Veronensem, non modo ab aliis multis, sed etiam ab ipso Aleandro intellexi. Nec diffitetur Aleander se plurimum apud eundem quoque Theatinum posse. Sed nolle ut ipse mihi librorum ab episcopo pe[ten]dorum author videretur; pollicitus tamen est omnem operam. Et co[nve]nit mecum ut aliquo die Theatinum accederem, superventurumque se veluti ex inopinato promisit, et si quam episcopus faceret difficultatem, se pro me fidem interpositurum dixit. Sed quoniam non possum impetrare ab eo ut diem præscribat, nec ut videam indices, aut Gregorium (quem ille totum apud se quoque esse non se[mel] gloriatus est) et tamen (cum ego, ista ut mihi ostendat, ago) respondeat, esse hæc omnia adhuc in Apuliâ, et Rhomæ omnia di[ci]t se mihi exhibiturum,—ego plane puto sine pecuniâ me nihil ab

eo impetraturum, et non nisi pactâ mercede ad episcopum mecum iturum pu[to]. Scit Dominatio vestra quam impatiens moræ sit Rex cujus causam ago. Et cum periculum sit ne libri (qui hic sunt) desyderentur Rhomæ, vestrum consilium expecto an hic legendos velitis expectem an, re fortunæ com[missâ], recta Rhomam contendere. Si expectandum est, debet Dominatio vestra ad Veronensem, ut ille pro me cum Theatino agat ut mihi librorum suorum copiam faciat, accurate scribere. Iterum tam ad Veronensem quam ad Theatinum, ut uterque cum Senatu Veneto agat, uti et ipse Nazianzeni epistolarum mihi copiam faciat, scribendum est. Et tamen magna spes est ut patris Francisci Georgii Theologi et patricii Veneti precibus Nazianzenum Venetum a principe et Senatu impetrem. Porro, ut sciat Dominatio vestra quantum huic debeam, [ille] solus effecit ut mihi potestas fieret evolvendæ bibliothecæ divi [Joannis] et Pauli et, ne eundo et redeundo nimis magnam faciam [impensam] temporis, egit ut, interpositâ consobrini sui fide, mihi [isti libri] promitterentur legendi. Scripsit hic idem pro p[arte nostrâ eleganter] et docte. Et ut hunc virum plenius [et melius cognoscas] est in linguâ Hebraicâ [doctissimus] ut mihi fid[es sit] [atque] uti audio doctissime in Lutherum scripsit; et mihi apertissime constat [magnæ esse] illum cum apud Venetos, tum vero apud Patavinos, Theologos [æ]stimationis; adeo ut speremus illius scriptis subscripturos omnes doctores Franciscanos, tam Venetos quam Patavinos. Omnino alendus est viri istius conatus, et magnis laudibus, et maximis gratiarum actionibus, immo vero etiam muneribus. Cum ille tam sit mihi expositus in hâc principis meæ causâ (quam nondum principis esse novit), certe intellecto principis esse, nihil dubito futurum multo alacriorem. Voluit Rex, si quem suapte in suæ causæ favorem viderem propensorem, his genus verbis hominis animum incitarem. Si ὁ βασιλεὺς sciret hanc opinionem vestram, certe conducere operam vestram. Hactenus tamen nec regem nominavi, sed etiam nomen meum dissimulavi, simul et patriam, nihil facturum in hoc ulterius donec sententiam Dominationis vestræ intelligam. Omnino huic patri multum ego debeo, et ὁ βασιλεὺς multa debebit, si efficere ea quæ destinavimus possemus. Jam legem Deuteronomicam ab ipso

excidio urbis Hierosolimitanæ nunquam servâsse Judæos, ipsi mihi Judæi dixerunt. Et (quod maxime ab ipsis cupiebat confirmari Stoxleius,) fatentur eam, non nisi ubi alias per legem Leviticam esset licitum, intelligi servandam. Sed neque nisi ubi causæ et circumstantiæ illic expressæ urgent, obligare eam putant, sed neque ita, etiam absolute obligâsse unquam; immo in arbitrio suo semper fuisse dicunt alterum facere, hoc est vel ducere relictam a fratre, vel pati discalciationem. Et de hâc re duorum Judæorum, alterius quidem non conversi, sed medici tamen et inter Judæos Rabini, alterius ad fidem Christi conversi, literas habeo, Hebraice scriptas ipsorum manu, atque etiam subscriptis nominibus. Earum interpretationem, simul Reverendi fratris Domini Francisci Georgii libri exemplar ad Dominationem vestram proximo nuncio mittam, simul etiam, si commode fieri posset, et aliorum quorundam scripta, si qui sint tam eruditi ut putem consulendos.

Patavii in bibliothecâ divæ Justinæ inveni Basilii moralia et opera ad monachos, sermones Nazianzeni quosdam, unum etiam sermonem Maximi; sed et cathenam quandam commentariorum Græcorum super Lucam. Basilii capita omnia perlegi diligenter, simul etiam et reliquorum, et commentarios super omnia loca quorum expositiones ut quærerem jussit Stoxleius; et tamen nihil⁴³ inveni Græce præter epistolas Pauli cum commentariis eisdem quæ extant apud Venetos in sancti Joannis et Pauli, ubi inveni commentarios multorum doctorum in vetus testamentum. Quos tot locis quot [præ]scripserit Stoxleius totos evolvere, non erat possibile, [quod] non ultra duas horas in diem manendi in bibliothecâ [permissu]s mihi daretur. Sed hactenus nec multum in illis
 re magnopere partes juvet nostras inveni.
 Chrysostomus in Matt. et Basilii epistolæ
 [q]uos mihi legendos

 quod Dominatio vestra nihil ad meas quas per postam ante quartum diem ad eundem dedi responderit. Accepisse autem non est dubium, [quia] mecum expostulavit Cassalis quod scripsissem ad Dominationem vestram, nihil [ipsum] aut ministros ipsius fecisse pro me. Quod est verissimum. Unum enim illud

⁴³ There was here apparently a marginal insertion burnt off.

fecit quod de Victore Fausto scripseram quem centies interim per me quæsitum nunquam potueram alloqui sed ne videre qui[d]em. Scripsit pro me prothonotarius ad ducem de Lattampa. Quod si Patavium ex consilio ipsius adûssem, implêsem famâ adventûs mei totam urbem. Quocirca nec hominem adii, nec illius operâ uti volui, in eo quod sensi me absque ullius operâ bibliothecas omnes evolvere potuisse. Certe dicam quod sentio; isti cum omnia facere videri volunt, aut nihil faciunt, aut saltem nihil possunt. Ostendit mihi prothonotarius literas quasdam, quas doctorum quorundam Pataviæ cum rege concludentium autographas esse dicebat; postea di[xit] sibi a rege commissum ut exploraret sententias Theologorum, quod ad[eo] meâ conjecturâ non fecit, ut cum quæstio nostra ipsis pro me aperiretur in specie, obstupescerent ad quæsitum omnes, veluti ad rem nunquam auditam, et aut ita respondebant omnes ut nihil in eâ materiâ unquam vidisse se plane proderent, aut nihil intell[exisse], aut etiam tempus cogitandi peterent ipsorum prudentissimi. Qui[d] ergo iste fecit pro Rege, tu judica, cum ipse ut unus aut alter pro ipso concludat effecerim. Jam non narrabat solum se habere in mandatis ut Theologorum hic opiniones exquireret, sed orabat etiam ut ego cum eo ad Theatinum episcopum irem, illicque regias tuerer partes, ut ita illius episcopi sententiam explorarem, vel in nostram partem illum traherem. Ad hæc postulata ipsius respondi, Nihil mihi tale commissum in mandatis; proinde ille quod suum erat exequeretur. Ego me officio nusquam defuturum respondi; et quo magis anxium hominem redderem, reperisse fingebam me tot tamque vehementes pro regiis partibus in Græcis commentariis rationes, ut nullo modo dissolvendæ essent. Hic jam orabat ut illi communicarem quid ego effecerim; pollicebaturque idem se mihi rursum facturum, et exigebat ut communiter ad regem scriberemus, excogitaturumque se dicebat literas quas ipse et ego ad Regem communiter subscriberemus. Ad hæc respondi me nihil absque consilio Dominationis Vestræ facturum. Ita enim mihi a rege esse mandatum. Postea invitavit ad ædes et cœnam aut etiam ad quottidianam mensam. Ego quem sem[per] putans ædibus acceptum suis, nec acceptum tamen scripsera[m] foris protrudendum, non committam ut id mihi rursum posset acci[dere]; maxime vero cum videam illum nihil pro rege fecisse, vercor ut p[arum]

tutus illic locus tractandis mihi negotiis regiis si[t]. Et nollem ego principis mei causam meâ temerit[ate] aut stultitiâ periclitari aut prodi. Hæc omnia pro ex[hibendo] nostram in regem fidem nobis putavi aperienda. Sed occurratis difficultatibus commode meis querelis vel mihi per invidiam opus habuerimus pecuniâ ut mihi per mercatores hic prospiciatis ne in discessu inopia mihi in morâ sit. Bene valeat Dominatio vestra, et sciat, quidquid effecerim, omnes Dominationi vestræ apud regem libentissime gratias me communicaturum. Quid de dispensatione meâ et Foxi, et de litteris ad Foxum ut augeantur mihi dietæ, hæcenus Dominationi Vestræ factum sit, scire cupio et ut cito sciam obsecro et obtestor. Raptim, et non expectante nuncio. Venetiis post Antonii ad vesperam.

Hodie recepi Dominationis vestræ litteras binas, uno exemplo, et longiores vestras expecto, et illud jam admonere Dominationem vestram oportet ut, si scribatis ad fratres istos et pro me gratias agatis, non me nominetis Richardum Crocum, sed Joannem Flandrensem. Nam ita me apud istos nominavi, fecique ut casus regius, meus fratrisque mei crederetur; nam proponendo omnia in nube non potui perficere ut quid vellem bene caperent. Itaque sic illum casum meum faciebam, ut perituum inde mihi patrimonii jus dicerem. Omnino de reliquâ dispensatione Foxi debet Dominatio Vestra procurare cum summâ festinatione. Sic enim efficietis ut et Stephanus et Foxus modis omnibus semper commendent Dominationem Vestram regi. Profecto nollem quod Cassalis occuparet in beneficiendo Foxo. Nam certum est pro me nolle quicquam facere; et si pro illo faceret, jam meas litteras omnes, in quibus tantopere ipsis prædicaveram humanitatem Dominationis vestræ, et illorum accusaveram fastum pariter et fraudem et amicorum contemptum, mendaces facerent. Iterum meam dispensationem vestræ Dominationi totam commendo.

Number CLVIII.

Copy in Croke's hand of his letter to Stokesley, written on the 21st and 22nd of January from Venice, telling him what he had found in the library.

CONVENERAM hodie eodem Hieronymum Aleandrum, Vitell.
et protonotarium [de Cassalis]. Hunc, ut quid hactenus pro B. xiii.
me in evolvendis bibliothecis faceret, ab ips[us ore] intelli- fol. 26.
gerem, illum ut quod est policitus scriberet in causam meam
[rogavi] Rhomam sui bibliothecarius; simul ut me etiam ad
Theatinum vel conducere[ret] [vel] sequeretur, prout ante inter
nos conventum erat. Sed sensi hominem multo frigi[dio]rem].
Quippe qui tempus et valetudinem causaretur, quo minus per-
ficiendo quod cupimus tempus præscriberet. Tandem inter
loquendum mihi narravit fuisse apud se protonotarium et
curiosissime inquisivisse ab eo, An ego cum illo fuisset,
quid dixissem, an aliquid etiam de conjugio regio? Hæc vero
quorsum a protonotario nescio. Sed ex eo quod secutum est
non male divino. Nam cum ad eum venissem, rogâssemque
quid egisset, non modo nihil effecisse intellexi, sed etiam ne
tentâsse quidem sensi. Respondebat enim se curaturum ut
eras aut perhendie bibliothecarum indices sibi exhiberentur,
atque adeo jubeat ut hodie librorum nomina quos maxime
cuperem, ad illum in scriptis darem; feci id Mercurii et
iterum hodie feci. Jam cum rogâssem ut clam cum Aleandro
pro me ageret, orâssemque dissimulans quod ab Aleandro
audieram, ille seu conscientie metu, seu incuria seipsum
perdens,—Aleander inquit compertum ex te habet te a rege
in hoc missum. Quod cum ego sanctissime simul et verissime
et constantissime rogâssem,—Atqui ex quæstionibus, inquit,
quas tu illi proposueras hoc se dicebat habere compertissimum.
Tuum nunc judicium sit, quid ille moliatur non sit inverisimile.
Immo vero quæ sit istorum fratrum in regem meum aut fides,
aut etiam diligentia. Ego vereor, cum ipsi nunquam Gregorium
inspexerint, futurum ut mihi nunquam exhibendum curent, ne
scilicet ipsorum negligentia meâ diligentia regi retogatur. Sub-

scripserunt scriptis fratris, doctores Minoritæ duo; et, si tibi videatur opus, subscriberent Observantium prædicatores omnes, genus hominum quod cum plurimi apud Anglos fiat, plurimum tamen illic regiæ causæ offecerunt. Sed in hoc nihil nisi Dominationis tuæ consilio ullo modo tentandum puto. Egi postea cum Aleandro, cur hæc ad protonotarium? Ille ex-candescere, irasci, Deum atque hominum fidem implorare, nihil tale sibi dictum sed ne cogitatum quidem apud protonotarium, statimque ad illum suum secretarium missurum dicebat, qui cum homine mendacii expostularet, oraretque ne amicos ejusmodi commentis committeret. Ego id orabam ne faceret, sed quiesceret, conniveretque ad omnia, et ab hoc ingenio hortabar caveret. Postremo orabam, ut si ille aliquid de me tale ad oratores scriberet, ut in testimonium veritatis Aleander contra pro me scriberet. Hic hæsitans Aleander ut non inverisimile sit, ut est gloriosus ille, aliquid in suam gloriam de me mentitum; tandem vero respondit,—Non nōsse me simultates Italicas et offensas pervenire ad gladios. Esse hic istos magnos; et, si quid contra ipsos scriberet, fore ut ipsum aut suos illi transfoderent. Ceterum fac ut me roget vel Wigorniensis vel alius oratorum quispiam, et apud ipsos ingenuè et syncere dicam, quod res ipsa est, nihil quippiam tale inter nos vel dictum vel cogitatum. Bene valeat Dominatio vestra.

Hoc nollem ut cuiquam communicet ne oratorum quidem nostrorum, nec aliquid cum isto de Cassalis expostuletis, ne scilicet vel mihi noceant, vel per invidiam n[ego]ciis per me gerendis obstacula ponant. Ego enim cum ad regem rediero, et vestram bonitatem, diligentiam, fidemque in ipsum abunde exponam, et [convincam] ipsorum negligentiam.

Venetiis, Januarii 21.

Exemplar mearum ad protonotarium misi, ut videas quemadmodum vulpizet. In cujus litteris non admiscuissem regis nomen segnicie cui necesse est ut hic fidam ipse Sanctum Marcum et in ipsâ biblioth[ecâ] [eistam] Græcorum plenam quandam invenimus, in quâ multa Græca et egregia opera, [cum] oratorum, tum vero Philonis et Chrysostomi et Dionysii invenimus. Invenimus etiam librum epistolarum Græcarum, maximum volumen. Sed authoris nomen extritum reddidit nos dubios, utrum Basilii an Nazian-

zeni eos judicarem. Puto ego fuisse Basili. Nam erant ad monachos aliquot epistolæ. Victor Faustus non potuit reperiri, penes quem index ejus bibliothecæ est. Vides ergo ut ille nobis gratificatur. Faxit Deus ne de industriâ absit. Vix vivitur hic tribus ducatis in diem, et munera me exhauriunt et libri quos necesse est ut habeam. Proinde obsecro ut inter cetera ne nobis pecunia desit curetis; operâ patris Francisci solius heri vidimus bibliothecam Sancti Marci et hodie exhibebitur index; si quos libros velim, fecit ut nepos se vadem pro illis offerat. Hodie aut cras, ejusdem operâ, Sancti Antonii indicem videbimus, et idem bonus pater etiam fecit ut Theatinus etiam mihi commentariorum in Evangelia rapsodiam accommodaret. Adhuc nihil de nostro oratore audio.

22 Januarii ad noctem.

Debetis omnino isti patri maximas gratias, et oportet quod sine morâ eas ipsi agatis, ut intelligat me esse gratum et habere amicos isthic. Si velitis mittere ad me aliquem, vel assignare cui scripta Theologorum pro nobis tuto dare possem, dabo. Sunt qui regi summe placent, et ego Dominationem Vestram in omnibus, laborum meorum per litteras ad regem faciam participem. Obsecro ut ad me mittatis dispensationem quam potestis, qui non possum facere, salvâ conscientiâ, quod facio, nisi cujus veniat dispensatio, aut cogor Stephani negotia omittere. Etiam quid sum istis muneris daturus cupio per vos scire. Marcus enim Raphael Judæus doctissime et planissime pro nobis scripsit, et offert et obligat scriptis ea contra omnes defensurum, et tres libros Hebraice scripsit, quos ter fecit Latinos pater Franciscus, quos etiam libros suos ter mihi fecit describi. Debetis igitur omnino et gratissime et citissime ad istum scribere.

Number CLIX.

Copy of Croke's letter to Ghinucci reporting progress, and asking for further instructions; written at Venice, January 24, 1530.

OTIOPNIENSI.

Vitell.
B. xiii.
fol. 26 b.
ad. med.

VOCATUS hodie a patre Francisco, vix illius cubiculum sum ingressus, cum me sequeretur Jacob Mantineus, et Judæus et Medicus qui, salutato Patre Francisco, sic orsus est præmonere. Ego jam venio ab Oratore Anglo qui multa interrogavit me, ad id hodie ad se accersitum, de negotio regis Angliæ, et illis legibus Leviticâ et Deuteronomicâ. Quam rem jussu Pontificis tractaveram jam olim Bononiæ, illicoque inter eos cœpta disputatio. [Ego] attentissime auscultabam, et interim cœpi regi contrariam partem [affirmare], adeoque rationibus, contemptisque rationibus ipsius, hominem urgebam quod [le]gem ignorare suam. At ille pertinaciter quæ nos max[ime] cupimus affirmavit]. Itaque tandem rogavit qui et unde ego essem Dominum Franciscum me hominem Heri summo mane ad me venerunt pater Franciscus Georgius et ejus nepos maturius⁴⁴; attuleruntque secum indicem divi Marci. In quo repperi et Maximum illum bis, quem tantopere ut legam mihi præcepit Stoxleius, et Nazianzenicarum epistolarum volumina esse Venetiis duo, præter Chrysostomi opera et ipsius quidem (quam Margaritam vocant) ne famâ quidem ante mihi cognitum. Qui libri partim cras, partim alias quandoquando voluero, fide domini Dominicii tradentur. Tu ergo vide quantum patri Francisco debeamus, torpescente et nihil omnino pro me faciente oratore regio. Hunc indicem cum hesternâ ad patrem Franciscum ex pacto retulissem, subito cubiculum ipsius ingressus est Jacobus Mantineus, Judæus et Medicus, qui, salutato patre Francisco, statim dixit se ab oratore Anglico venisse, atque ab eodem hodie fuisse accersitum ut quid de legibus Leviticis sentiret diceret. De quibus, inquit, et antea multa etiam de mandato Pontificis scripseram. Nactus occa-

⁴⁴ This word is doubtful.

sionem cepit illum de eiusdem animum explorare Reverendus pater Franciscus. Itaque diu disputatum est. Assideo ego attentus auditor. Rogat Judæus semel atque iterum quis et unde sim; respondetur hominem me Flandrensem esse. Reditur ad disputationem. Sic premit hominem rationibus Franciscus ut coeperit causam pertinaciter non affirmare modo, sed defendere quoque quæ nos maxime affirmari et defendi volumus. Jam in noctem venerat disputatio itaque salutatis illis ego me illinc proripio. Jamque egressum cubiculum sequitur Judæus, rogat ut valet Germanus. Ubi hæsitare videt,—An tu inquit Germanum illum doctissimum juvenem non nōsti. Hic cum rogo, Quem Germanum? (quod de gente ipsum loqui putaveram) Illum, inquit ille, doctissimum juvenem qui apud regem Angliæ est. Quod cum audissem, suspicatus quo voluit, nego me aut Anglum, aut Angliam unquam novisse. Obsecro Dominationem tuam ut cogites quid apud Aleandrum ante egerit de Cassalis; et tuæ relinquo conjecturæ, cur iste hunc sermonem orsus, cur ab oratore vocatum hodie se, cur ab illo venisse di[scer]it, cur] de me tam curiose inquit, cur, etsi fol. 27 b. responsum est me Flandrensem esse, egressum cubiculum prosequitur, cur revocat, cur de Anglo tam subdole interrogat. Sed neque hic finis. Nam, ut mihi retulit hodie pater Franciscus, multa apud se de rege Angliæ, Pontifice et Cæsare commemorat, confirmatque ægre laturos si quispiam de his rebus quippiam scripserit. Promittit se ad illum hodie rediturum, quæ ipse de hâc re scripserat exhibiturum. Bene habuit quod nec pater Franciscus de rege quippiam ante inaudierat. Et ego nunc non cesso inculcare causam meam. Quid enim hoc ad Cæsarem? Quid inquam ad Pontificem? Cur mecum nonnulli ex rotâ et sentiunt et causam meam tam defendunt strenue. An hoc agerent, inquam, irato et invito Pontifice? Hic bonus pater, plane recte habere causam nostram, et se veritatem pollicetur non deserturum. Sed opus est tamen et gratiis hiis et authoritate ut aliquos de rotâ mihi favere videat. Jussit rex ut quidquid conficerem tibi de tempore in tempus communicarem. Jussit ut in omnibus consilium sequerer tuum. Quod ad primum attinet, feci, faciamque per litteras diligentissime. Sed cum tu nihil respondeas, nescio quid amplius sim factururus. Certum est secuturum quidquid consulueris. Obsecro igitur, ne tam sit consilii sui

avara prudentia tua ut fraude aliorum regiam sinas causam
 destitui. Vides ut nos de Cassalis tractat et tu unus es qui
 potes occurrere illius artibus. Sed et pecuniâ ne destituatur
 timeo, si, quod audio, vos hinc Rhomam commigretis. Omnino
 ad patrem Franciscum accurate debes scribere. Ita enim et
 illum et illius exemplo reliquos nostros confirmabis. Sed et
 ego expecto mandata tua ut sciam quam diu hic sum man-
 surus⁴⁵. Meam et Foxi dispensationem [iterum] atque iterum
 Dominationi Vestrae commendo. An aliquid etiam ex
 fol. 28 a. ad me scire cupio. Et quas ad Regem et Stoxleium apud
 te reliqueram missas spero. In Stoxleium enim cifris est
 qua propediem ad ipsum sum scripturus, quæque
 apertis ipsius litteris ad te transmittam. Scribam etiam ad
 regem in meos hic labores ex æquo tuæ Do-
 minationi communicabo. Non credideris quantum hic nobis
 vel invitis quotidie pecunia absolvitur. Certe quam minimum
 superest. Sic me scriptores, bibliothecarii, libri et qui in
 nostrum favorem scribunt, licet pauca demus singulis, ipsâ tamen
 multitudine nos exhaustiunt. Ego nihil dubito quin si tu me
 juveris paululum, effecturum ut pro nobis omnes Patavini,
 Theologi et Veneti pronuncient. Habes ergo et quod regi
 gratificeris maxime si velis; et velle te tam nihil dubito,
 quam habeo certissimum vitam te potius amissurum tuam,
 quam tua ut in regiâ causâ diligentia desyderetur passurum.
 Venetiis, 24 Januarii.

⁴⁵ There was apparently a marginal note of something to be inserted,
 but all has been burned off except the word *si*.

Number CLX.

Copy of another letter of the 29th January from Croke to Ghinucci, complaining that his correspondent does not reply to his letters.

MERCURII mane adii ædes de Cassalis, exploraturus an Vitell.
adhuc aliquid de bibliothecis transegerat. Ubi feceram bis B. xiii.
illi significari adesse me, ille his respondit, ut paulisper ex- fol. 28 b.
pectarem. Expectavi autem horam solidam et dimidiam.
Tandem ille renuntiari mihi jubet ut a prandio redeam.
Redeo a prandio, sed non absque peculiari ab illo nuntio;
venienti offert ille omnium, ut dicebat, sacrorum in bibliothecâ
S. Marci librorum indicem. Inspicio; nihil omnium illic in-
venio, quos rex maxime cupit, quosque ipse pro comperto habeo
in bibliothecâ Marci esse. Habui enim, operâ patris Fran-
cisci, verissimum indicem, et Bibliothecarii Fausti, quod ipse
nescit, ipsissimum indicem; utriusque ad te exemplar mitto,
ministri tui manu descriptum. Ex quibus apertius est quam
ut posset dissimulari, callide illum omnes quos nos cupimus
libros subtraxisse. Sic nos stupidos putat Rhomanus iste.
Tandem agit mecum ut cum episcopo Theatino velim, ipso præ-
sente, disputare. Nego ego id facturum me, non solum quia
nolim per me prodi archana regia, sed ne, intellectis rationibus
nostris, parare illi possent quo ipsis occurrerent. Jam ille,
habere se a rege in mandatis ut id faceret, affirmare; occurro,
ut ergo ad me scribat, et id se a rege habere in mandatis,
et consilium ejus esse ut ita faciam; facturum se istud polli-
cetur. Jamque agit ut ad Sanctum Antonium illum con-
veniam Jovis, illam bibliothecam scrutaturus. Ego, quia jam
ante illum inviseram, et ejus indicem habueram⁴⁶, nec ne cum
eo ire; rejicio illud negotium in Veneris, et Veneris, compositis
ante cum fratribus S. Antonii per patrem Franciscum rebus,
ut convenerat, proficiscor ad illum. In itinere occurrit illius

⁴⁶ A word like *dubitabam* has probably been omitted here in the haste of copying.

secretarius; nunciat illius dominum eo die non posse vacare mihi; proinde velle ut mane ad ipsum venirem. Venio mane, præscriptâ horâ. Non citius veni quam ille advocari fecit Judæum Jacobum, rogatque an cum illo, velim disputare. Ego nego, et indignor me sic omnibus prodi. Bene inquit habet, et pro nobis scripsit iste. Ubi scripta rogit, dedit, inquit ille, fratri meo Bononiæ et alia perdidit ipse. Sed neque audet adfirmare quod pro nobis scripsit. Quid ergo inquam ego nobis cum illo qui, ubi res ad lucem venerit, negabit factum suum. Tandem iterum agit ut ad Theatinum cum eo. Ego me facturum etiam id nego, nisi acceptâ singraphâ ejus. Hic respondet ille,—Tu, inquit, ab eo librum accepisti mutuo, fide fretus Francisci, et ego, cum de eo restituendo dubitaret, dixi te hominem Anglum esse et me quoque pro libro velle ipsi obligari. Atqui ego, inquam dissimulavi me Anglum esse, et non bene facis, inquam, illi qui tam curiose omnia inquiris ut omnia regis archana prodas. Non, non, inquit ille; bonus vir est Theatinus. Non oportet de eo aliquid suspicari. Tandem itur ad Sancti Antonii, in cujus bibliothecâ puto esse quod nos juvet. Parco, quæso, garrulitati meæ; etsi enim nugas videar scribere, hæ tamen nugæ seria ducunt. Illic indicem non offendimus; apud me enim et patrem Franciscum erat [tra]nscribendus. Et illic multa Basilii et consilia omnia Græca video [et] omnes uti conjicio consiliorum epistolas. Porro, ne temere ista tibi dicta [pute]s, scire debes, cum primo mane ad Cassalis venissem, dicebat [epistolam] quidem quam rex quærebat esse in hac urbe, et se Græcam vidisse. Ubi urgeo, dicit non Nazianzeni esse sed Basilii, et hoc habere] compertum ab Aleandro, penes quem epistola ipsa esset. Et ut ostenderet se verum dixisse, ostendit Biblia capite Levitici 18. ubi scribitur,—Sororem uxoris tui in pellicatum illius non accipies. Super hunc inquit textum scribit Basilius et infert rationem de eâ quæ duobus fratribus n[upsit]. Et, ne nihil fecisse videretur, ostendit concilium Neocæsariense, olim omnibus regiis notum. Hic ego adverti librum Aleandri esse et suspi[cor]. Curiosius inspecio, videoque singulis conciliis nomina episcoporum præscripta. Lego et describo, et in concilio Neocæsariensi nomina et Basilii et Gregorii inter cetera offendo; verto folium et inve[nio] legem de eo qui sororem in alterius pellicatum accipit. Sed ea Ancirano concilio lata est. Inter

præscripta nomina, Basilium offen[do], ut in epistolis quæ mutuo horum conciliorum episcopi scripserint, ex ejus dictis, epistolam quam quærimus non temere suspicor; quæ cum in Antonii bibliothecâ sint, si tam liber quam hactenus mihi concedatur accessus, nihil dubito quin sum inventurus. Sed vereor nisi tu juveris, ut alterius fraude mihi bibliotheca præclaudatur; maxime cum nullâ hic autoritate nitatur diligentia nostra. Non semel ad te omnia scripsi, nec aliquid occurrit cujus ego te certiore non facio. Putat rex te meo consilio saltim nolle destitui. Et post meas litteras tamen, tu mihi nihil respondes. Sed neque occurris adversariorum consiliis, vel autoritate vel prudentiâ, sed ne concilio quidem tuo. Nescio quid dicam; si ad te non pervenerint litteræ nostræ, tua culpa est. Mercatoribus enim, quibus tu jusseras, dedimus, et ministri tui litteras inclusas dedimus. Obsecro te, ne me, et regem per me, sinas destitui. Cur scribit ad te rex ut me omnibus modis juves? Cur jussit ut nihil absque te facerem? Et ego tamen toties te per litteras consulens, nihil prorsus in tantis difficultatibus a te audio. Immo vereor ut pecuniâ destituatur. Et propterea nisi mox a te audiam cum his quæ meâ in regem industriâ confeci, volabo in Angliam. Non enim expectabo inopiam, quæ me coegerit ut regis archana vel prodam, vel hic et in itinere mendici exhauriant me scriptores, munera et hospitia. Et hoc ad te non semel scripsi, et nihil audio tamen; rursum tamen a te mearum omnium literarum ad te exemplar teneo, quæ quoties inspicio, cogunt desyderare in te vel diligentiam vel fidem vel humanitatem vel omnia. Parcat mihi Dominatio tua. Video enim vel stimulis opus esse, vel futurum ut fame non magis pecuniæ quam consilii tui sit pereundum. Profecto si tam amares ipse me quam ego te, non adeo siveras litterarum tuarum desiderio enecari. Jam ut aliquid habeas, mitto patris Francisci pro nobis scripta, breviora quidem illa; longiora et solidiora et multorum doctorum in Theologiâ manu subscripta non ante missurus quam a te audiam. Mitto etiam Christiani Marci, hominis in veteri t[estamento] accurate docto, scripta Hebraica autographa, utriusque nominibus ipsorum ascriptis. Versa sunt utriusque scripta [a] patre Fran- fol. 29 b.
cisco; et earum etiam versionem ad te mitto, in quibus adfirmatur quod maxime adfirmari cupit Stoxleius. Est quidam Joannes Sueroz doctissimus et Græce et Latine Theologus, et

alter Joannes Maria qui nobiscum fideliter sentiunt et scripturos polidentur. Ea quoque propediem ad te transmittam. Vale et dispensationis nostræ et Foxi obsecro memineris. Simul ut de augendis dietis ne tibi exciderit oramus. Iterum vale.

29.

T. R. C.

Number CLXI.

Copy in Croke's hand of a letter from Ghimucci to Francesco Georgio, recommending Croke under the fictitious name of John of Flanders; written early in January, 1530.

REVERENDE pater, salutem plurimam,

Vitell.
B. xiii.
fol. 42 b.

Ex primis Domini Joannis Flandrensis, amici mei honorandi, litteris intellexi quod paternitas vestra, præter multa alia in ipsum beneficia, perfecit etiam ut et libros bibliothecæ S. Marci quos voluerit sit habiturus, et quod hospitium ipsi maximâ quâdam et rarissimâ humanitate prospicere persona vestra non sit indignata; pro quâ vestrâ in amicum meum humanitate ago vobis gratias; et nihil dubitetis quin, si unquam detur occasio, et gratissime et amplissime sim relaturus. Sic enim Dominum Joannem amo, ut omnia commoda atque incommoda mihi cum illo putem esse communia. Et scio quod non potueratis ullâ re tantopere illi gratificari, quantopere factâ ejusmodi librorum videndi copiâ. Est enim homo litteris totus deditus, et ita addictus ut ex aliâ re nullâ ullam fere capiat voluptatem. Effecisse igitur ut, tam magno sumptuum compendio, sui voti compos existat, id neque ille duplicis beneficii loco ducere non potest, neque ego ob id me tibi simpliciter putare obstrictum. Sed vetus verbum est, *Bis dedit beneficium qui cito et constanter dedit*; et causa amici mei ita urget, ut necesse sit ut et cito et multorum quidem, sed eorum qualem te esse video Theologorum, hoc est et doctorum et bonorum, habeamus suffragia. Non possum igitur ego, immo debeo pro honorando amico meo, quem instar fratris charissimi habeo, obsecrare paternitatem vestram ut quæ pro illo scripsistis, et multorum nominibus adscriptis faciatis communiri, et ad me festinantissime litteras mitti. Quod si feceritis, policeor et sancte et constanter, nihil tam arduum futurum in manibus nostris quod vos a me non sitis et fideliter et facillime pro amico vestro semper consecuturi.

Habet amicus meus multos ex voto et eos doctissimos.

Bene valeat paternitas vestra.

Benoniæ.

Number CLXII.

*Copy in Croke's hand of another letter from Glinucci to
Francesco Georgio, urging him to assist him speedily;
written January 24, 1530.*

Vitell.
B. xiii.
fol. 42 b.
ad. med.

REVERENDE pater, uti frater Carissime,

Cum audiverim paternitatem vestram benignissime accepisse Dominum Johannem Flandrensem, amicum et fratrem mihi honorandum, non potui me continere quin pro tali beneficio ingentes ei gratias agerem. Eo enim amore et benevolentia cum prosequor ob raras ejus virtutes, ut quod humanitatis in ejus personam collatum sentiam, in meam non verear fateri collatum. Ago itaque, si non quas debeo, quas possum paternitati vestrae gratias, agnoscoque quod pro domino Johanne est factum, pro me factum. Ita ut, non solum in parte sed etiam in toto, velim obligationem erga paternitatem vestram agnoscere; offeroque et polliceor paternitati vestrae operam meam licet exigua in his omnibus in quibus paternitati vestrae aut suis profectui esse possit. In quo tantum cupio experientiam per paternitatem vestram fieri, ut non possim abstinere quin eam rogem ut huic experientiae occasionem praestare velit. Nam certe non minus gaudebo beneficium conferendo, quam reportando. Reliquum est ut paternitatem vestram orem, placeat ei Dominum Johannem nostrum eo quo cepit amore et favore prosequi; et quia studiosissimus et litterarum amator non tepidus existit, non sit paternitati vestrae grave eos juvare ut ad bibliothecas istas, praesertim publicam, aditum habere possit. Cum enim advena sit, non sine magno labore ad eas sibi pateret aditus, nisi alicujus favor et mediatio sibi adesset. In hoc autem sibi et mihi cumulum obligationum [me]arum augebit paternitas vestra quam Deus ad vota conservet.

Ex Bononiâ Die 24 [Janu]arii M.D.XXX.

Vestrae paternitatis uti frater

Hieronymus Episcopus Vigorniensis

Auditor Camerae Apostolicae.

Number CLXIII.

*Reply of Ghinucci to Croke's letter of February 20th, copied
in Croke's hand.*

SALVE. Rediit frater meus, attulitque ad me, præter ^{Vitell. B. xliii. fol. 46.} Scripturas et diver[sas] litteras in Angliam mittendas, etiam unas ad me tuas. In quibus mir[ari] videris quod nihil ad te scripserim de receptione epistolæ Basiliæ. Ego ex[pectabam] de die in diem fratrem; et de hoc et de aliis scribere distuli, intendens i[d] copiose, in adventu suo facere. Quod itaque ad epistolam attinet, eam ad Regem misi, prout ad me tuo nomine scripserat frater. Misi etiam dispensa[tionem] suam ad Foxum, nec de expositis pecuniis, ut me mones, mentionem feci, putans me et virtutibus suis et tuæ intercessioni satis plus debere. Cum autem sacerdotii tui titulum habuerim, curabo ut, per primum alium cursorem, tu etiam tuam habeas dispensationem; quam libentiori animo mitterem, si majoris res esset momenti, aut saltem potuissem voto tuo omnino satisfacere, circa expressionem illam quam cupere scripsisti; quam non potui aliquo modo obtinere nisi sub verborum qualitate, prout videtis. Esto tamen certus, me omnem operam adhibuisse ut tibi satisfaceret, non solum in sollicitan[dâ] expeditione, quod mihi saltem Casalius reservavit, sed etiam in eâ gratiâ quantum magis ad votum tuum impetrandâ. Quod scribis egisse apud fratrem prothonotarium et tibi dixisse silere mihi videtur⁴⁶, aliisque ad me de ipso superioribus diebus scripta sunt. Quod autem ad Regem de nobis scripserit, non multo facio; nam talem Regem ipsum reputo ut parum possit tibi et mihi Dominus prothonotarius aut obesse aut prodesse. Quod cupis moneri Stephanum et Foxum ne tuæ litteræ alteri quam eis aut Regi aperiantur, scribam et pro viribus curabo; nec dubito id impetraturum iri, quo hoc tibi prodesse possit, illis autem non possit obesse, curaboque moveri Regem ut opera fratris Francisci recognoscat. Id enim non tam fratri

⁴⁶ The contractions are doubtful, and the editor is uncertain as to the reading, as well as the sense.

quam ipsi Regi expedire judico, quamvis et tuæ litteræ et relatio fratris mei de ipso fratre id mihi prædicent ut etiam si regi servitium non impendisset, ex solâ ejus doctrinâ et aliis virtutibus non immerito quicquid in ejus beneficium fieret optime locatum esse dici posset. Faciam etiam mentionem de Nepote ut jubes. Scribo ad regem de litteris ad Senatum, mittoque litterarum exemplar quod confecisti ad Dominum Stephanum, ut jubes, cui etiam et tuo et meo nomine super hoc et reliquis quæ per me in Angliam vis, scribo. De tuâ fide, diligentia, industriâ et meritis, si nunquam aliquid mihi super hoc inuissis, scripsissem ad saturitatem, quandoquidem mihi viderer non omnino quod debeo servitium Regi impendere, si hæc tacerem; quamvis, etsi ego et omnes hæc tacuissemus, ipsa opera tam conspicua, tam manifesta, non potuissent non omnibus hæc palam facere. De dietis etiam tuis ita scribam ut quantum in me sit, reportes non quod mereris, hoc enim meritorum respectu nummum est, sed quod petis, aut id quo indiges quamvis non hoc primo fecerim. Nunquam enim ex quo hinc discessisti, in Angliam scripsi quin Stephano, Foxo, thesaurareo de his copiose scripserim, et etiam in litteris ad Regem id interseruerim quod rei huic prodesse putaveram. Quod etiam nunc et in futurum faciam. Quod autem in litteris ad Foxum interserebas, numerâsse mihi pecuniam; cum propter id quod non satis id verisimile fuisset; etiam his quæ meis litteris semper scripsi adversari fuisset visum; deducendo te rem ad arbitrium meum, partem illam elegi quâ consentis ut verba illa [omittam]. Sed ita etiam Foxo scripsi ut sperem, quod verba illa effectura put[es], non minus effectura quæ ad eum scripsi quamvis etiam in litteris Foxi alia verba remanent satis urgentia, quibus possi[t] ad id Foxus induci ad quod per verba illa Cassali eum putabas. Quod scripseram de incedendo m propterea scripsi quod prudentiss[ime] ex parvâ recognitione factum sit

fol. 46 b. in suspenso sic maneat donec litteras a Rege habeamus responsivas ad eas quæ tunc et tu et ego ad Majestatem suam scribimus. Non enim vereor quin et litteræ nostræ, tuæ præsertim, et etiam ipsa ipsius fratris Francisci opera id a

Regiâ Majestate reportent quod et illius virtutes et Regis generositas et magnanimitas exigit. De oratione S. Clementis faciam verbum Regi. Scribam etiam ex his quæ, in memoriali a te fratri meo dato, scribis et Regi et aliis prout cupis. Et denique in his omnibus quæ per me in tuum beneficium aut satisfactionem quoquo modo fieri poterunt, id faciam quod pro meo unico fratre facerem. Ita enim patria tua et mea in Regem, Regnum et Anglos debita exigunt. Ita doctrina excellens tua et virtutes non vulgares requirunt. Ita quam egregie navâsti in negotio hoc regio cui tantum omnes debemus opera me cogit. Ita denique et affectio ac benevolentia et ea quâ erga me usus es humanitas et caritas, in me apud Regiam Majestatem commendando et ultra merita laudando, me impellunt. Quare ne quod realem et effectualement exigit recognitionem verbali videar implere velle, longioribus litteris non te molestabo. Bene vale, et ut sæpe ad me rescribas rogo et obsecro, utque Reverendo fratri Francisco me ex intimis commendes, meque et mea omnia sibi et suis omnibus offeras enixe precor.

Ex Bononiâ die 24 Februarii M.D.XXX. Tui et virtutum tuarum deditissimus.

Hic. Wigorniensis.

Habui litteras a Stokisleio datas in Galliâ in opido Caritatis 15 Februarii. Credo eum jam esse Lugduni. Hodie magnâ pompâ coronatus est Cæsar.

Receptæ die 1 Marcii,

Number CLXIV.

Copy of Croke's reply to Ghinucci's letter of the 24th of January, again extolling the services of Francesco Georgio, and complaining of John Cassali.

Vitell. B.
xiii. fol.
55 b.

[CU]M receperis epistolam Græcam Basilii a me, miror quod nihil scribas, aut si scripsisti quod mihi non sint redditæ. Nomen sacerdotii mei est Hurworthe in diocesi Dunelmensi. Omnino fac ut dispensatio Foxi ad illum mittatur, intelligatque non solum, meam fidem in sollicitando te, sed tuam summam humanitatem qui eam obtinuisti. Nam hodie orator mihi narravit fratrem suum obtinuisse dispensationem a Cardinali S. Quattuor, et impetratâ, commisisse quod reliquum erat negotii tibi. O te felicem cui tales imperare possint ut servias. Hodie etiam fuit apud Franciscum, et heri, et nudiustertius, et pecuniam obtulit ut pro rege scriberet, et impetraturum per fratrem a Pontifice ut liceret scribere pollicitus. Sed Franciscus, ejus ingenii probe gnarus, pecuniam recusavit, et semper respondit nihil quicquam non modo scripturum, sed ne dicturum quidem, in eâ re priusquam ipsi a Pontifice esset ut scriberet aut diceret imperatum. Et tamen narravit mihi impudens ille fratrem Franciscum accepisse munera et promisisse scripturum pro nobis. Et adhuc tam stupidus est ut mihi putet posse persuaderi verum eum esse indicem quem mihi tradidit; nam et hodie dixit eum longe perfectiorem eo quem habet Faustus. Quod tam verum est quam cætera quæ de te et me ad Regem audio illum scripsisse. Nihil debemus ei, si litteræ nostræ regi tradantur. Sed et tibi scribendum ad Stephanum et Foxum ut cum rege agant. Immo tibi cum rege agendum est ne cuiquam quam [c]um Stephano aut Foxo meas aperiat. Debes enim regi et ipsis persuadere futurum ut vita mea periclitetur si illi ista resistent⁴⁷. Polliciti sunt, ut accepi a patre Francisco et priore Thomaso, septendecim doctores nostræ sententiæ subscripturos. Tu obsecro vide quantum tu, ego, immo ipse rex, huic homini debeat, et pro meritis cures ut ejus et nepotis opera remuneretur. Cura quod extra timorem sinus, ut rex meas ad

⁴⁷ Probably intended for *resciant*.

quem nos scripsimus tenorem ad Senatum scribat, et ad nos mittat dandas, quum videbitur ipsius causæ maxime commodum. Ego nihil faciam inconsulto te, nec quippiam confecerim ex voto, cujus ego te ad regem authorem non faciam. Rogo igitur te ut fidem et operam meam pro veritate et meritis, et Regi et Stoxleio et Stephano et Foxo, maxime autem ut prudentiam nostram et taciturnitatem commendes, et de dietis augendis ita scribas oro ut eloquentiæ et facundiæ tuæ vim sentiat commodum meum. Quod scripseras, de fratre Francisco media incedendum, non intellego quid velis. Certe non debemus mediocriter illam humanitatem laudare, quæ ultima pro nobis passura fuisset si opus esset.

Bene vale; et scias me orationem quandam Sancti Clementis Græcam invenisse de cognatione, quam spero nonnihil nostræ causæ virium allaturam.

20 Februarii, Venetiis.

Litteris Foxi scribo, me numerâsse pecuniam, primum ut ille [citi]us eam mittat, deinde ut regem pro me libentius sollicitet atque [hortetur] ut augeantur dietæ. Quare omnino velim ut inscribas, et ita [et mihi] magis commodum, nec tibi minus accedat gratiarum. Quod si [litteras] habes apertas poteris delere usque ad illa verba; vos

Number CLXV.

The attestation of Croke to the exactness of the copy he had made of the epistle of S. Basil. Written at Venice, February 13, 1530.

FIDE meâ concordat exactissime cum exemplari Græco Vitell. B. xiii. fol. 63 a ad med. vetustissimo—quod habui a Senatu Veneto, Patris Francisci Georgii interventu, sed m[ituâ] ipsius hominis Græce et Latine docti, fide. Hæc ipse ascribere coactus [sum]. Nam Joannes Baptista de Cassalis ita regis causam hic tractavit, ut statui notarius advocatus, et regis esse causam diceret, et non audere se, [sine] mandato principis, instrumentum de hâc re autenticum conficere. Fe[bru]arii 13 M.D.XXX.

Ricardus Crocus.

Number CLXVI.

Copy in Croke's hand of a letter to Stokesley complaining of the Cassalis, and extolling the services of Father Francis, written from Venice Feb. 21st, 1530.

STOXLEIO.

Vitell. B.
xiii. fol. 54.

MITTO ad te epistolam quam quæris, non Gregorii quidem sed Basilii. [Mitto] eandem cum commentariis; et excerptimus e conciliis Græcis quæ reg[is] causæ maxime favent, nec pauciora ex Rapsodiâ authorum in vetus et novum testamentum quæ, quia non sinit temporis brevitās ut in ordine[m] redigerem, nec adhuc in satis multa exemplaria describerem, non mitto. Mitto etiam autographa Judæorum doctissimorum et ea quidem Hebraica ex quibus quæ tu maxime probari cupiebas jam probata ab ipsis habes; sed et amicos regiæ causæ plurimos paravimus quorum scripta ad te mittimus. Porro, ut hunc Franciscum bene noscas, primum scias senatorem fuisse Venetum, et cum religionem intraret destinatum nobili illi Veneti consilii decemviratu[i]; in religione perstitisse annos 49 et illic egisse publicum et perpetuum anagnosten, ut non immerito senatus nobilium sed theologorum quoque omnium illi tantquam parenti atque præceptori omnis deferat. Multitudinem lectionis ex harmoniâ ipsius relinquimus conjiciendam tibi, et ut scias quantum nos hic ⁴⁸, Hic Marcum Raphaelem ut pro nobis scriberet impulit. Hic scriptores Græcos mihi a nobilibus Græcis impetravit. Hic bibliothecarum indices paravit. Hic uno tempore decem antiquissimos libros a senat[u] Veneto, suâ et nepotis fide, Dominici inquam Trevisani, hominis Græco doctissimi, mihi mutuatus est, procrastinante omnia et impediēte oratore, quantum in se erat, ne ullius mihi libri copia fieret. Cur alioqui enim simulârat se sæpe cum principe egisse nec impetrare potuisse ut ullius libri mihi fieret copia? Cur, ut a quærendi spe dejiceret, ficticium mihi indicem sacrorum in S. Marco librorum tradidit describendum, quem verus a patre Francisco mihi traditus arguit, ut vides? Cur, dissimu-

⁴⁸ Some word like *adjuverit* is wanted.

lante me, nomen et patriam omnibus et ipsi Senatui causam etiam huc adventûs mei et ipse prodit? Cur singulos, quibuscum me aliquid egisse rescivit, adit, et regem amore puellæ hoc moliri divortium narrat, et regnum ipsum eidem adversari, Cæsaremque et Pontificem nullo modo passur[os] futurum quod nos molituri? Per Deum nisi literis et diligentia commodo labascantibus amicis succurrisset episcopus et ejus frater Petrus de Ghinucciis, multos a nobis fecisset deficere. Non parum in me incitaverat his calumniis patrem Franciscum, quem literæ tamen regis continebant in officio, sed non solæ; multum enim juit cum epistolarum episcopi humanitas omnia permittentis, tum fratris diligentia, ingenium et naturalis eloquentia, maxime autem omnium fides quâ, quemadmodum et frater, in regem est constantissime maximâ. I nunc et crede illorum de Cassalis calumniis, de me et episcopo. I nunc et dicito me nihil fecisse. Si regem ames, non poteris horum duorum fratrum fidem regi non commendare. Non poteris non hortari regem ut modis omnibus quales nos excogitavimus, literas ad Senatum Venetum mittat, et Franciscum pariter ac nepotem maximo aliquo et perpetuo munere aut donet, aut saltim vocet in Angliam. Cogita quæso quam alto ipse hoc negotium ingressus es, et nos etiam tuo amore et fide; et hoc scito in uno Francisco conciliaturum regem plures centum Theologos, immo vero omnes Dominii Veneti et Mediolanensis tam theologos quam jurisperitos; rursum si illum amittat, non pauciores amissurum; quod ut verum esse scias, nomina eorum quos jam paravimus mittimus, et librum in quâ illa epistola, quæ tuam apud regem liberavit fidem, est, semper memineris illi nos debere; et hoc impetra a rege ut et mea contra Cassalientos istos ad ipsum scri[pta] occultissima servet, simulque omnium nomina donec res in palæstram sit ded[ucta]. Quod cupio ut rex scribat est ut uno impetu unanimes pro rege [pronuncient, et] illius causam orbi ostendant esse æquissimam. Quod autem sic pronunc[ient], non sumus] dubii, cum jam illos omnes nos paraverimus. Superest ut nu[nc] . . . qui tenuitate dietarum vix hic vivendo sum. Quam . . . a rege corrigendam putabo ego meam hic [operam non male] collocatam.

Venetis 21 [Februarii.]

R. C.

Number CLXVII.

Copy in Croke's hand of a letter written by him from Venice to Gardiner, probably on the 21st of February, 1530, explaining who Father Francis is, and how valuable his services to the king are.

STEPHANO.

Vitell. B.
xiii. fol. 55.

MITTO ad te epistolam quam quæris, non Gregorii quidem sed Basilii. Mitto eandem cum commentariis; excerptimus e conciliis nonnulla q[uæ] regiæ causæ non parum conducunt, Græcis inquam illis. Nec pauciora ex Rapsodiâ authorum in vetus et novum Testamentum quæ, q[ui]a non sinit temporis brevitatis ut in ordinem redigam, non mitto. Mitto etiam autographa Judæorum et ea quidem Hebraica ex quibus quæ Stoxleius maxime probari cupiebat jam probata habentur. Sed et amicos regiæ causæ plurimos paravimus, quorum scripta ad Regem mittimus. Porro ut hunc Franciscum melius noscas, Venetus est ex primariis urbis eâ autoritate et vitæ integritate et gravitate ut omnes illi non secus ac parenti et præceptoris deferant. Quantum autem Regia Majestas illi debet ex meis ad ipsum literis abunde cognosces. Quæ obsecro ut servantur occultissima, quemad[modum] et eorum opera quæ pro nobis scripsere, donec in harenam deducatur res. Quas fraudes texit quotidie de Cassalis non est trium chartarum opus, ut plane describantur. Certe ante mensem habuissemus epistolam, si ille non obstitisset; ficticius indicem quem mihi tradidit, quemque adhuc non deprehensum mihi credit, nisi ad regem. Dixerat enim hodie mihi non esse alium, et semper non satis habet ut dicam me velle librum aliquem; sed urget ut scribam, nempe ut quod semel fecit ante ab eo extortas quas ad ipsum dederam aliis ostendat; ista tamen ego dissimulo, ne mihi aut regiæ causæ noceatur; et precor te ut dissimulet etiam rex, donec ego Italiam exiverim. Alioquin enim aut mihi venenum aut lateris meo ferrum hauriendum. Tacere tamen ea salvâ meâ in principem fide non potui. Nomina eorum quorum

scripta aut subscripta, authore Francisco, habemus sunt Doctores Philippus de Cremis, Hannibal, Ioannes Maria Paduanus, de Barlaam, Donatus de Feltro, Marcus Senna, Thomas prior prædicatorum; reliqui sunt aut publici concionatores aut publici hic et Paduæ Theologiæ professores. Sed parvus est catalogus hic præ eo quem ante mensem mittemus. Ex Francisco enim omnes Paduani, Veronenses, Trevisiani, Veneti, Mediolanenses pendent. Cum igitur ejus merita exigant ut rex de ipso optime mereatur, omnino curandum ut vel ipsum in Angliam vocet vel ut insigni aliquo munere ipsum et nepotem donet. Qui cum Græce et Latine sit doctiss[imus] non sine magno suæ causæ commodo libros Græcos evolvendos ipsi rex commiserit, ut ego in Germaniam ad plures conciliandos, si ita videatur, hinc dimitti queam. Neque dubites quin satis illum incitaverit Franciscus si res utrique committatur sic ut quidqu[id] fuerit inventum, descriptum statim ad Dominum Wigorniensem mittatur; qui multum in patrem Franciscum mirificis artibus et terroribus ab oratore oppugnatum⁴⁹. Nisi enim multis et frequentibus literis illius constant[iam] fuisset solatus, nisi fratrem, cujus in regem nostrum fidem nunquam pro meritis satis laudare queo, misisset, certe fuisset periculum ne centum Theologos amissemus. Tot enim ex uno Francisco pendent; quare ne ipse cum illis ob susceptam regiam causam periclitetur, et ut omnes subito pro rege pronuncient, omnino ad illum quem misimus tenorem literæ ad Senatum Venetum veniant regiæ, oportet. Sed ut nomina tradantur quam mihi visum sit idoneum pro commodo causæ sci et dari et suppressi possent; polliciti sunt nobis jam septen[decim] doctores plures vel scripturos se vel alieno pro nobis subscripturos eos quam possumus primum hoc est opera mittemus. Obsecro sis memor dietarum sumptus superant viatici modum operam princip[is]

⁴⁹ There is here apparently some omission.

Number CLXVIII.

*Copy of a letter from Croke to Stokesley reporting progress,
and complaining of want of money.*

STOXLEIO.

Vitell. B.
xiii. fol. 58.

SUPERIORIBUS his diebus ad te misi epistolam Basilii quam [tu ascribis] Nazianzeno; evolvi autem Nazianzeni epistolas omnes, nec aliquam inveni quæ utcumque ad nostrum negotium vel suspicione posset trahi, præter d[uas] quas, quamvis huc videam nihil pertinere, ut ne indiligentem in evolvendis libris putes, descriptas ad episcopum misi. Misi etiam ad te scripta Hebra[ica] duo, Judæorum hic magnæ authoritatis rabinorum, quorum alter ad fidem conversus est. Mittam eorundem duo alia, in quibus alter ad hereditatem duntaxat conservandam præceptam hanc suscitationem plane conten[dit]. Significaverat mihi per fratrem episcopus, nullo modo parcendum pecun[iæ], modo qui nobiscum sentiant doctores possemus conducere. Itaque præter nomina ista olim missa ex Mediolano, istos pecuniâ nostrâ habebim[us]. Sunt autem omnes doctores.

Suffraganeum Mediolanensem, Vicarium Mediolanensis Episcopi generalem.

Magistrum Hieronymum a Paradiso, Theologum, illic sacram int[er]pretem].

Magistrum Cornelium, Theologum publicum, etiam sacram Professore[m].

Magistrum Theologiæ, et ordinis humil. vicarium perpetuum et etiam Canon[icum]

Dominum Ludovicum Ciconiam, Senatorem, Juris Utriusque Doctorem.

[Dominum Constantinum

Dominum Ambrosium de Curionibus, olim Bononiæ Juris Utriusque interpret[em].

Dominum Aurelium Carpanum, Juris Utriusque Doctorem.

Hos, et decem alios pecuniæ quidem nostræ, magis tamen favori et industriæ Patris Francisci debemus. Quid dixi

pecuniæ nostræ? Hæc vero hæc[enus] soli quasi amicitiae et diligentiae debemus Francisci, sine cujus autoritate, ne unum quidem vel hic vel alibi fortasse fuisset habituri. Tu igitur, nisi feceris ut ipsum et nepotem ampliter remuneret rex, certe nocebitur causæ ejus plusquam posses divinare; quippe cum ex solo fere pendeant universi hujus regionis universæ Theologi et Jurisperiti. Et cum ille hæc[enus] de nobis nihil non modo non accep[it] sed ne expectat quidem; eo ergo magis illius humanitatis et nepot[is] et debet rex⁵⁰ et in aliorum (exemplo) provocationem liberaliter illi favere dareque debet. Scripseram proxime fore, ut si res in quæstionem venerit, Patavii totum gymnasium, pro nobis pronunciatum. Quod ne temere dictum mihi putes, jam jurisperiti omnes publici nobis conducti singraphas dederunt, patrocinaturos causæ nostræ; et stu[dio] fratris Francisci subscribere Franciscani tam observantium quam conventu[alium] doctores, professores et concionatores publici omnes.

Scripto autem fratris Thomæ Omniboni Veneti, Prioris Joannis et P[auli], docti viri et publice olim Patavii, nunc Venetiæ sacras prof[essi] isti subscribere Dominicani doctores.

Magister Boninus de Limaco, provincialis provinciæ Tusculanæ.

Magister Benedictus de Utino, ordinarius in Theologiâ.

Magister Joannes de Este

Magister Albertus

subscripturos sunt polliciti, quorum nomina post 14 dies mitte- fol. 58. b.
mus cum pluribus aliis.

Magister Joannes Venetus, Regens Patavinus, et Venetus prior Rhavennatis.

Magister Isidorus de Paduâ, Patavii prior.

Magister Cyprianus Morellus, Venetus, Augustinensis provincialis et Veneti Bononiensisque studii regens.

Dominus Augustinus Brenzonus, Veronensis, sacri Juris doctor, qui olim Patavii et Rhomæ jus Canonicum professus est.

Præter hos, promisit mihi pro nobis se scripturum Magister Archangelus, ordinis Carmelitarum, probus et acuti ingenii juvenis, atque inter ipsos publicus Theologiæ Anagnostes.

⁵⁰ meminisse probably is omitted.

Tu nunc judica, an sit verisimile Patavium conclusurum pro nobis, si casus noster illis committeretur determinandus. Quod ut fiat, sine amicorum periculo, scribendum regi est quas ego, aut alias in eundem tenorem literas ad Senatum Venetum. Velimque Thomam Omnibonum cum fratre Francisco jungi. Scis quantopere hic regnat invidia. Scis quam periculosum, sine Senatûs veniâ, in rebus levissimis, in Republicâ inquam Venetâ, aliquid novi moliri sit. Debes igitur nostrorum saluti consulere, quam potes maxime, immo vero honori regio, qui per istos de Cassalis quasi prostitutus est. Dicam ingenue et vere, si me (cum isti mitterentur) misisset rex, pecuniâ partim nostrâ, partim favore et æquitate causæ, omnes Theologos Jurisque peritos, sine ullo negotio, et conciliâsem et confirmâsem nobis. Quid enim aliud cum, renitentibus jam et Cæsare et Pontifice, tot nobis parentur indies qui scriptis et autographo non verentur obligare se nostram causam defensuros?

Utinam cum venires Bononiam tecum solus colloqui possem. Narrarem quod in rem nostram maxime esset. Jam ad me nemo, spero, nostram diligentiam abunde tibi compertam, nec inveniri posse qui dixerit nos regi egregiam et parum expectatam operam non navâsse. Et tamen ad me ex Angliâ nemo pecuniæ nihil; et huc protrudimur, tanquam vilissimæ æstimationis mancipium. Nam pecunia, quæ mihi assignatur, sumptibus non sufficit, et ego quo hos tolerem sumptus ex meis non habeo. Itaque aut fame pereundum, aut in Angliâ mendicandum, aut ingens æs alienum conflandum. Quæ ista inhumanitas, ut nostrâ pecuniâ et quasi infamiâ laboremus aliis, maxime autem tam magno et munifico principi. Si mihi mille fuissent in promptu libræ, mori non recusâsem, si non omnes Italiæ Theologos et Jurisperitos regi non conciliâsem.

Et fortasse si episcopus pecuniam habuisset, tam quam habere putatur magnam, meâ operâ majore parte non caruissemus. Sed ille fraudatur et nos illius fides fallit quia ipse fallitur.

Pudet videre quam frigide rem tanti momenti tractent isti qui domi, omnium rerum saturi, nostram inopiam et Italiæ expilationem ex Angliâ copiâ et humanitate et æquitate denique . . . suâ ipsorum affluentiam metiuntur; parum considerant illi indig[nation]em et murmura universæ Angliæ quæ nobis ista tractantibus . . . inent, qui inique

fieri putantur. Cur ergo doctorum omnium
 consensu æquissima esse quæ molimur non ostendimus aut[sal-
 tim osten]suris aliis non ferimus opem. Nihil dico amplius,
 obsecro hic enim hoc stipendiolo durare
 nar
 dietas patietur rationibus inferri rex, dietas inquam illas
 unius in[diem] marcæ, quâ vivere ego non possum, nisi velim
 misere perire. Imbecillitas corporis mei neque Foxo neque
 Stephano ignota est. Et hi tamen de ipsis aliquod optime
 meriti nihil meminerunt. Ego certe tuo amore hanc multo
 serius tractavi causam quam mihi mandatum erat; rogo ut tu
 pro tuâ benignitate rursum nos nostramque inopiam serio regi
 commendes. Vale, et fac ut in Angliam revocemur. Nam hic
 non video quî possem regi amplius utiliter inservire.

Venetiis, 2 Marcii.

Number CLXIX.

*A letter intended to be sent by the king to the Venetian
Council of Ten, March 2, 1530.*

Literæ a Rege ad Venetos scribendæ.

Vitell. B.
xiii. fol.
54 b.

[U]RBEM Venetam non ædificiorum modo, sed ingeniorum quoque elegantia clarissimam, et rerum omnium copia florentissimam, et ex historiis et viris fide dignissimis non semel audivimus, et ipsi quoque ita habere ex oratorum nostrorum cum sapientia, tum vero eloquentia maximam, abunde sumus experti, non minore certe vestre republice salute quam gloria. Quippe cum exemplis constet plurimis urbium salutem non tam in copiis, opibus aut armis sitam esse, quam viris ingenio, literis et virtute præstantibus, quorum apud vos non parvus esse numerus debeat, qui Hieronymum Alexandrum, Petrum Bembum, Victorem Faustum, Baptistam Egnatium, Franciscum Georgium, viros in omni genere literarum peritissimos, jam apud vos esse ex fama mihi constet. Certe Egnatii nonnulla, Francisci aliqua opera vidimus, et quoniam apparet Hieronymum esse gravem et Theologum pariter ac Hebraicæ linguæ peritum, gratissimum facietis nobis ⁵¹ illi et illo doctioribus, quales quam plurimos apud vos esse nihil dubito, Theologis, cum ex Augustinianis tum vero ex Dominicanis et Carmelitis, et aliis, quæstiones quas vobis exhibebit fidelissimus subditus noster, committatis disputandas, aut saltem permittatis ut omnes domini vestri Theologi libere pronuncient quid sentiant; et sententiam eorum qualemcunque nostro fidelissimo subdito curetis in scriptis tradendam. Bene valete, et mutuam a nobis gratitudinem expectate.

Ut declinet invidiam, præferimus Francisco alios. Has literas vel harum tenorem existimamus futurum Venetis non ingraturum.

⁵¹ The word *si* is apparently omitted.

Number CLXX.

*A book against the king's matrimony with queen
Catharine.*

*An liceat cuiquam ducere uxorem fratris sui vitâ defuncti
absque liberis.*

VIDETUR omnino quod nullo pacto sit licitum. Nam ^{Lans-}scribitur in Levitico, capite decimo octavo, unum præceptum ^{downe} generale istud, scilicet.—*Omnis homo ad proximam sanguinis* ^{MSS. 94.} *sui non accedet, ut revelet turpitudinem ejus.* Et mox ^{Art. i.} subjungit præcepta quædam specialia. Ubi inter cætera vetat, ne quispiam uxorem fratris sui accipiat. Et illico subinfert Deus; *Turpitudinem uxoris fratris tui non revelabis, quia turpitude fratris tui est.* Ponitur etiam in eodem capite, *Nec accedes ad uxorem ejus, qui tibi affinitate conjungitur.* Et Levitici vicesimo capite dicitur aperte, *Qui duxerit uxorem fratris sui, rem facit illicitam; Turpitudinem fratris sui revelavit; Absque filiis erit.*

Modo, ex his autoritatibus ita deducam argumentationes. Et primo, hoc medio; Quod est jure divino prohibitum, nulli est licitum. Sed ducere uxorem fratris prohibitum est jure divino. Consequitur ergo, Nemini licere uxorem fratris ducere.

Evidet hæc consecutio cum majore; et minor liquet ex autoritatibus Levitici prælibatis. Sed dicet fortasse quispiam, Præceptum istud modo vigorem non habere in Lege Evangelicâ, sed duntaxat pro lege *Mosaycâ* dabatur. Sed hæc responsio facile diluetur tali ratione. Præcepta moralia quæ sunt de lege naturæ, inde remanent in Lege Evangelicâ secundum omnes theologos. Sed quod homo non accedat ad uxorem fratris sui est morale, quod est de jure naturæ. Ergo in Lege Evangelicâ adhuc remanet. Minor patebit ex sententiâ Altissiodorensis in 4^{to} Sententiarum, Titulo de Affinitate; et beati Bonaventuræ in 4^{to} dist. quadragesima, q. 2^a. Et idem doctor expresse in 4^{to} dist. 32^a, articulo 3^o, q. prima,

asserit, hoc præceptum esse morale; nempe, quod mulier non cognoscatur tempore menstruæ. Et hoc idem præceptum continetur inter has prohibitiones. Ergo, et cæteræ prohibitiones Leviticæ, in ipso capite contentæ, videntur etiam esse morales. Quod si hos doctores funditus recusavere, adhuc idem probabo ex sacris literis, videlicet, quod hoc est de jure naturæ, quod homo non accedat ad uxorem fratris sui. Nam in eodem capite 18^o Levitici dicitur, *Nec polluamini in omnibus his, quibus contaminatæ sunt universæ gentes, quas ego ejiciam ante conspectum vestrum.* Et paulo post subjungitur, *Omnes enim execrationes istas fecerunt accolæ terræ, qui fuerunt ante vos, et polluerunt eam. Cavete ergo, ne et vos similiter evomat, quum paria feceritis, sicut evomit gentem, quæ fuit ante vos. Omnis anima, quæ fecerit de abominationibus his quippiam, peribit de medio populi sui.*

Tunc sic formabo rationem. Si gentes fecerunt has abhominaciones, et execrationes, et ita punitæ fuere; ergo graviter peccabant; quia nunquam infligitur gravis pœna, nisi ob peccatum prius commissum. Quum ergo propter has abhominaciones punitæ fuerunt gentes; ergo eas transgrediendo gravissime peccabant. Si gentes non peccabant nisi contra legem naturæ (quia legi Mosaicæ non erant subjectæ, ut asserit Paulus ad Romanos, 2^o) ergo hæ prohibitiones sunt de lege naturæ. Quod erat probandum. Sed supra jus naturæ non potest Papa dispensare, ut vult Scotus in 4^{to}, ergo quum hæ prohibitiones sunt de jure naturæ, Papa inconsulte egit dispensando cum tali matrimonio.

Præterea, Ubicunque est eadem causa, ibi erit idem effectus. Sed non ob aliud vetatur commixtio cum sorore patris aut matris, quam quia sunt una caro. Ut patet Levitici 18^o. Ergo quum frater et ejus uxor sunt una caro, non potest frater uxorem fratris defuncti ducere. Et consimilem rationem videtur ponere beatus Bonaventura ad oppo^m. q. in 4^o Sentent. dist. 40^a, q. 2^{da}, ubi quærit, an consanguinitas matrimonio præstat impedimentum. Et minor etiam claret ex autoritate Pauli priori ad Corinthios 7^o,—*Qui adhæret meretrici unum corpus efficitur cum eâ.*

Præterea, Ubicunque est materia ambigua et dubia, semper tutior pars est servanda et eligenda. Sed hæc materia est gravis, et dubia,—Videlicet, quod serenissima Regia Majestas

non debet dirimi a Reginâ; et quod Papa Julius licite dispensavit. Nam aliqui doctores, et aliquæ universitates famatæ asseruerunt oppositum, scilicet,—Quod debet serenissima sua Majestas ab ipsâ separari, et hoc sub pœnâ peccati mortalis. Ergo licite potest hanc partem, tanquam tutiorem, eligere. Alioqui exponeret se periculo peccati mortalis, nam qui exponit se periculo peccati mortalis, peccat mortaliter, secundum omnes theologos; et apparet ex sacrâ Scripturâ. Nam *qui amat periculum, peribit in illo*.

Item, Supponamus quod Papa Julius potuerit dispensare, ut Regia Majestas duceret uxorem relictam fratris sui, et quod fuerit verum matrimonium inter ipsum et illam; adhuc probabo tale matrimonium juste posse dissolvi; et hoc a Deo licet, non ab homine. Quia *quod Deus conjunxit, homo non separet*, juxta sententiam evangelicam. Papa vero solum declarabit, quod Deus illud dissolverit. Et tali argumentabor ratione. Matrimonium inter aliquas personas dissolvitur a Deo propter majus bonum. Sed tuitio unius Regni est majus bonum, quam hoc vel illud matrimonium. Ergo propter tuitiorem Regni Angliæ Deus dissolvit matrimonium inter Regem et Reginam. Evidet hæc sequela: et probabitur major. Nam matrimonio contracto, et non consummato inter Joannem et Magdalenam, licitum est Joanni ingredi religionem propter continentiam servandam; quæ secundum theologos est majus bonum, quam matrimonium. Et illud matrimonium dissolvit Deus, et non homo, ut dictum est prius. Quia *quod Deus conjunxit, etc.* Probabitur etiam illa minor, videlicet, quod tuitio unius Regni sit majus bonum, quam hoc vel illud matrimonium. Et tali pacto. Quicquid est majus majori est majus minori. Sed tuitio unius Regni est majus bonum, quam continentia istius aut illius personæ. Quæ tamen continentia est majus bonum, quam matrimonium, ut jam probavimus, et patet ex Paulo, prioris ad Corinthios septimo. Ergo tuitio unius regni est majus bonum, quam hoc vel illud matrimonium. Ergo propter tuitiorem Regni Angliæ dissolvit Deus matrimonium istud. Quod etiam tuitio unius Regni sit fol. 3.
majus bonum quam continentia istius vel illius personæ, patet; non solum quia bonum commune est præferendum bono particulari, verum etiam, quia Papa dispensavit cum quodam monacho, ut exiret religione, et esset Rex Arrogoniæ. Item,

diebus nostris Alexander Sextus (ut a fide dignis accepi) pro bono publico regni Gallorum, declaravit, quod rex Ludovicus XII^{us}. poterat separari ab uxore suâ, et ducere in uxorem Annam Ducissam Minoris Britanniae. Cur igitur idem non licebit fieri modo cum serenissimo nostro Rege propter bonum publicum Regni Angliæ? Quod etiam sequatur bonum publicum Angliæ ex isto divortio ostenditur; quia Regina nostra, teste experientiâ, non parit plures filios. Ex novo autem matrimonio facile poterit Rex sobolem procreare masculinam, heredem. Et ita sedabuntur tumultus innumeri. Nam si (quod absit) decesserit serenissima regia Majestas sine filio, haud dubie in Angliâ tantus ignis (prout conjitio) erit accensus, ut eum oceani aqua vix extinguere posset; tanta erit lis in populo.

Huic etiam positioni occurrit illud quod Gregorius Augustino Anglorum Apostolo, (a quo requisitus fuerat, Quotâ generatione debeant copulari) rescribit sic, *Quædam lex Romana permittit, ut sive fratris vel sororis, sive duorum fratrum germanorum, seu duarum sororum filius et filia misceantur. Sed experimento didicimus ex tali conjugio sobolem non posse succrescere. Unde necesse est, ut quarta vel quinta generatio fidelium licenter conjugatur.* Sed post multum temporis idem Gregorius a Felice Messinæ Siciliæ præsule requisitus, utrum Augustino scripserit, ut Anglorum quartâ generatione contracta matrimonia non solventur, inter cætera talem reddidit rationem,—*Quod scripsi Augustino Anglorum Episcopo, ipsi etiam Anglorum genti, quæ nuper ad fidem venerat, ne a bono quo cæperat, metuendo austeriora, recederet, specialiter et non generaliter, me cognoscas scripsisse. Nec ideo hæc eis scripsi, ut postquam in fide fuerint solidati, si infra propriam consanguinitatem inventi fuerint, non separentur, aut inter affinitatis lineam id est usque ad septimam generationem, jungantur.* Nec valet dicere evadendo, quod lex Deuteronomica, capite 25^o, de suscitatione seminis fratris evacuavit hanc legem Leviticam. Quod ostendam tali pacto. Lex temporaliter data, et ad determinatum populum, non potest restringere legem universalem et moralem, datam universæ nationi; sed lex Deuteronomica erat solum temporalis, et ad certum populum limitata. Levitica vero lex moralis est et universalis, ut prius ostensum est; Quia lex

naturæ extendit se ad omnes. Ergo per consequens, lex Deuteronomica non habet vigorem restringendi legem Leviticam. Quare consequitur has prohibitiones Leviticæ adhuc consistere in pleno robore.

Major hujus rationis clarebit per simile. Nam Exodi 20 datur præceptum universale, *Non occides*. Et primo Regum 15^o præcepit Deus Sauli, ut interficeret Amalech. Nunc iste casus specialis et particularis non potest restringere primum præceptum morale de non occidendo, ut manifestum est. Ergo per simile nec lex Deuteronomica evacuabit legem Leviticam, quæ est moralis, et omni populo communis.

Item, genus prohibitum cum distributione includit omnes species sub eo contentas, esse prohibitas. Sed hoc genus scilicet omnis homo ad proximam sanguinis sui non accedat, est prohibitum cuilibet homini. Ergo etiam omnes ejus species cuilibet homini prohibentur. Sed sub hoc genere continentur duodecim species in Levitico, ca. 18^o. Ergo quælibet earum prohibetur cuilibet homini.

Item divus Augustinus contra Faustum, libro duodecimo, capite 81^o de Judâ et Thamar sic loquitur, *Si vir et uxor, sicut dicit Dominus, non jam duo, sed una caro sunt, non aliter nurus deputanda est, quam filia*. Nunc ex his dictis ego ita argumentor, De similibus simile est judicium. Sed nurus ex hoc quod solum cognita est a filio cedit in jus filiæ. Ergo et uxor fratris cognita a fratre cedit in jus sororis.

Item, Dominus Antoninus in 3^a parte Summæ, capitulo undecimo, De Affinitate, ubi loquitur de Dispensatione Papæ prohibitâ, dicit, *Quod in lineâ transversali, in primo gradu prohibetur matrimonium consanguinitatis et affinitatis jure divino. Unde (inquit) nec Papa dispensare potest, quia est contra naturam, ut scilicet quis contrahat cum germanâ suâ, vel uxore germani sui, eo mortuo. Unde etiam ante legem Mosaycam, multiplicato genere humano, ante diluvium vel post, creditur se abstinuisse a sororibus, et ab uxoribus fratrum, nisi ad suscitandum semen fratris præmortui, sicut et tempore legis, ut patet in Thamar et filiis Judæ. Et paulo post subjungit Anthoninus, Nec etiam posset dispensare Papa in uxore fratris mortui sine liberis. Quia licet olim liceret, dispensative licebat. Quæ dispensatio fiebat jure divino, non ab homine. Nam jure divino communiter abstinerebatur ab*

uxore fratris, sicut a propriâ sorore; sed in casu illo permittebatur. Unde sicut Papa non potest dispensare in pluralitate uxorum, quamvis olim esset licita (quia licita erat ex Dei dispensatione) prohibita jure communi, sic nec in proposito. Hæc Anthoninus.

Sunt etiam nonnulli authores asseverantes matrimonium inter affines esse prohibitum jure divino et naturæ: Ut Jo. De Turre Crematâ, et Petrus De Palude, et alii Thomistæ.

Hæc scripta et collecta fuere Anno Regni Regis Hen. VIII. 21°. 18^o die Aprilis, per J. pⁱ M.-

Number CLXXI.

*A Confutation of Abel's Book, written against the divorce
of Queen Catharine.*

Contra basim libelli Abelis.

HÆC unica est basis ac fundamentum singulare, cui totus innititur Abelis libellus. Quod Deus nunquam id quod malum est, et contra jus naturæ præcipit observandum, et hoc perpetuo et a communitate. Ex hoc fundamento colligit, non esse contra jus naturæ ducere relictam fratris, quum Deus illud antiquitus præcepisset.

Lansdowne
MSS. 94,
Art. 3, fol.
7.

Etsi alias pluribus machinis, eisque satis validis, hanc munitionem expugnauimus; non gravabimur tamen jam denuo novas vires adjicere; ut quantumvis inuerecundus ac vafer sit hostis, multitudine saltem testium attonitus cristas cogatur dimittere.

Primum quidem pro enervatione hujus fundamenti dicimus, hoc Deuteronomicum præceptum nec universale fuisse, nec perpetuum. Universale quidem non erat, quum nullam gentem præter Judaicam obligabat. Sed neque perpetuum erat, quum coruscante evangelio sit abolitum. Proinde invalidum prorsus ac debile fundamentum est, ad sustinendum Abelis structuram.

Deinde, ad perpetuam hujus basis demolitionem, præmittam conclusionem unicam, præsidiis undique tutissimis munitam,—*Quod Deus præcipit illud nonnunquam quod, antequam præcipiebatur, erat contra jus naturæ.*

Istam conclusionem firmabo primo autoritate divi martyris Cypriani; qui in epistolâ 62^a ita scribit,—*Aliud est quod Deus imperat facere, et aliud voluntati ejus obsistere; cujus ita sunt mandata servanda, ut si aliquid jusserit, quod secundum homines injustum esse videatur, justum credatur, et fiat. Et si justum jusserit, justum deputetur, et fiat. Cum sine victoriâ non potest esse, quod mandat; qui potens est injustitiam justificando, vocare justitiam; et justitiam reprobando,*

injustitiam probare transversam. Cujus voluntas est vera et sola justitia. Hæc Cyprianus. Ex quo liquido apparet, Deum posse ob aliquam causam justificare præceptum Deuteronomicum de suscitando semine fratri, etiam si, ante illius præceptum, esset contra jus naturæ.

ca. 3°.

Huic subscribit divus Augustinus in libro 26° contra Faustum. Ibidem enim affirmat,—*Naturam ita obtemperantem esse suo auctori, ut id solum naturale dicatur, quod ipse velit fieri.* Sic autem habet. *Contra naturam aliquid fieri dicitur, quum contra communem cursum, et consuetudinem aliquid fiat.* Unde Apostolus; *si tu ex naturali incisus oleastro, et contra naturam insertus es in bonam olivam, &c.* Id dixit contra naturam quod est contra præcipere quod est contra naturæ legem.

Ad Roma.
11°.

Minorem sic probo. Laudavit Deus factum Joæ regis Judæ, quod accepit duas uxores. Sed accipiens duas uxores, transilivit limites naturæ. Igitur, &c. Major ostenditur autoritate

Para. 24°.

sacræ scripturæ. *Accepit Joiada sacerdos duas uxores Joæ regi.* Et ob hoc et alia ejus facta, dictum est in laudem ejus,

4 Reg. 12°.

quod *rex Joas rectum fecerat, coram Domino cunctis diebus, quibus docuerat eum Joiada sacerdos.* Quum igitur Joiada docuit Joam accipere duas uxores, in hoc rectum fecit coram Domino.

Ex iis jam licebit cernere, quam infirmum sit hoc fundamentum, et quam levi manu convelli ac amoveri possit, super quod Abel tanquam super petram solidissimam totum collocat ædificium. Verum hoc jam sublato fundamento, ut tota scilicet corruat structura superimposita, necessum est.

Number CLXXII.

Summary of the contents of a letter written by Carew and Sampson to the king in February, 1530.

A summary abstract of the contents of the master of the horse's and Master Deane's letters. Record Office.

FIRST, they contain how they spake with Farnesius, the discourse whereof they remit to former letters.

Secondly, of their going to the pope at his sending for, with a long rehearsal of such words as the pope spake with them at their coming, consisting in three points. First, the acknowledging of the king's highness' merits towards him and the see apostolic. Second, in declaration of all such requests as have been since the beginning of the cause made unto him by orators sent from the king's highness. Thirdly, in excusation of such things as he both granted and granted not to the king's highness, saying that by importunity of the orators he granted things which were not to be granted, and sometime, withstanding their importunity, refused to do that which was required.

Thirdly, the answer of the king's orators to such part of the pope's words as touched the importunity made heretofore to the pope in such demands; and how they laid to the pope's charge what a great fault it was for him to dissemble with the king's highness in granting that he might not grant.

Item. The excuse of the pope, saying that all he did was to declare how much he trusted the king's highness, with such fear as he conceived of threats made unto him on the king's highness' behalf in case such requests were not granted; confessing nevertheless, his default in so doing—adding further that to do the king's highness' pleasure he was never more desirous in his life, and desiring the orators so to advertise the king's highness.

Item. The opinion of the king's ambassadors there concerning the pope, which is that in their judgment the pope

is of as good will and desirous of mind to do the king's and to accomplish his grace's purpose as any man else may be, the same being also repeated in divers conferences, with promise that whatsoever any wise men or learned by their wisdom and learning may with any reason require, if he do it not, he will be accounted the most ingrate and false man that ever was.

A discourse of the pope of such inconveniencies as he perceiveth to ensue of the Lutheran sect.

The pope's promise to solicit the emperor as much as in him is for the achieving of the king's purpose.

A lamentation made by the pope that the king's highness should mistake his breve sent by Paulus de Cassali, and impute unto him to hold heretical opinions.

A declaration made by the pope how much he did for the king's highness in differring the advocacy of the cause.

An exclamation made by the pope against such the king's agents as had misreported him unto the same.

The desire of the pope to have had the book out of Paulus de Cassali's hand, with this also, that forasmuch as it may fortune that Doctor Stokesle and other of the king's counsel have reasons as yet not heard, he would be glad that in some indifferent place a certain number of learned for the king's highness and other for the queen might be assembled; and he would send thither some learned personage to know both their grounds. Repeating again that whatsoever he may do by any good cause or ground, the king's highness shall faithfully know him to be desirous to accomplish his grace's intent, not forbearing to do it for favour or fear of any creature living.

The resolution of the emperor concerning the king's highness' matter that he was never more sorry for cause, and how he nothing more desireth than a good end therein, saying further that if the pope be not thought indifferent, there may be some good indifferent men found in a place indifferent, to be judges, in case the king's highness cannot otherwise leave his scrupule. And the said emperor will be bound to the king's highness doing the same, never to move or solicit creature by himself or any other, but suffer the matter equally to pass at the discretion of the judges; adding further that

those should be the joyfulest news that might be brought unto him.

News of the conclusion of peace between the emperor, the Venetians, and duke of Myllayn, and how the Florentines have determined to send there orators.

The honorable mention made of the king's highness in the oration made of the peace then taken.

The expedition of Monsieur de Prat towards France, whose charge they knew not, but only to signify the emperor's coronation at Rome.

What was proponed in the consistory of cardinals for contribution to be made against Turke.

Number CLXXIII.

Copy of Croke's letter to the king from Venice, March 11, giving an account of the increase in the number of subscriptions, and expressing his full confidence in Ghinucci.

Vitell.
B. xiii.
fol. 59 b.

QUATTUOR, ex quo in Italiam veni, episcopo Wigornienti ad Majestatem tuam dedi litteras, invictissime et potentissime princeps; ternas e Bononiâ, e Venetiis unas, ante quas epistolas, Basilii Græcam sine commentariis misi, post, cum ipsis litteris eandem epistolam cum commentariis. Porro hanc eam esse quam intelligit Basilius ex commentariis Zonaræ quæ jam tandem notarii manu inauthorata mittimus, manifestissime constat. Misi eodem tempore, invictissime princeps Marci Rhaphaelis, qui a Senatu Veneto publico conducitur stipendio, scripta Hebraica duplicia, Hæliæ Hebræi artium et medicinæ doctoris scripta tria, Hebraica omnia. In quibus ille quidem ad genealogiam Salvatoris, hic vero ad hereditatem spectare Deuteronomicam, et non nisi ubi (quæ illic exprimuntur) exceptiones urgeant, Hebræis servandam contendit. Eadem omnia a patre Francisco Latine facta, cum duplicibus ejusdem etiam in favorem causæ tuæ scriptis, in hoc ad Wigornensem misi, ut ille exemplar alterum ad Majestatem tuam, alterum ad Stoxleium mitteret. Qui Hæliæ sententiæ subscribere, alter Benedictus est Germanus, et non ob caniciem modo verum etiam ob eruditionem maximos inter Judæos Rabinus habitus. Alter Calo doctor artium et medicinæ doctor, cujus eruditionem⁵² ex libris editis quos adepiscopum tibi transmittendos dabimus. Francisci opinioni subscribere nonnulli doctores, lectores, concionatoresque publici, genus hominum hic maximæ æstimationis. Ut aliquid huic novi accedat, nomina alia multa proximis nunciis doctorum habebit ab eo Majestas tua. Nunc totus est in magno illo opere quod contra rationes adversariorum tuorum molitur. Quo fit ut maximo

⁵² Probably *Majestas tua cognosces* has been omitted by mistake.

operis tui et adversariorum tuorum⁵³ omnes teneamur. Quot authores in causæ tuæ commodum nos devoravimus, jam olim scriptum est, et nunc magnâ spe sum, habiturum ejusdam maximi hostis tui contra te scripta, in quibus ut audio omnes pro te rationes ille molitur elevare. Nec dubito habiturum, modo pecuniâ non destituatur, quam ut parcius mihi et serius suppeditet quam pro tuæ causæ comodo episcopus facit, quod ipse maxime destituatur. Quem errorem quantopere ipse, nec dubito jure, conqueratur ex ipsius quam mitto epistolâ licebit cognoscere. Hercle de fide hominis nihil prorsus credo dubitandum, multis ni fallor rationibus et maximis inductus. Jam ut ad scriptores redeamus;—Quartus decimus dies est ex quo nova Heliæ, nova Marci Rhaphaelis Hebraica, a patre Francisco Latine facta misimus ad Wigorniensem, quorum alter impium et separandum hoc conjugium tuum probat, alter affirmat sentire Hebraicos Rabinos Deuteronomicam ad hereditatem pertinere, et ad Salphadicam ultimo Numeri referendam. Mittimus excerpta quædam, ex commentariis Chaldaicis, per patrem Franciscum, ex quibus de lege naturæ prohibitiones has Leviticæ esse quodammodo apparet, et Thamar nunquam ab Her vel Onan cognitam manifestum est, id quod nos ex Chrysostomo antea observavimus. Sicut et ex operibus Græcis aliqua quæ videantur affirmare contra naturam esse ut aliquis contra præcepta Levitica matrimonium contrahat. Illud mihi videtur ad negotium non ociose facere nostrum quod affirmat Chaldæus, Thamar fuisse ad Christi genealogiam unice necessariam. Accipiet præter hæc Majestas tua et fratris Thomæ Omniboni Veneti litteras ad me cum nominibus doctorum quorum subscripta autographa ipse vidi, et nobilis illius Mediolanensis Francisci Crucini utriusque Juris doctoris [et] in scripturis atque Hebraicâ linguâ ut audio doctissimi, ad patrem [Francis]cum litteras catalogumque doctorum quos ille rogatu Francisci Medio[lanensis] paravit, non sine longe majoris numeri spe, modo reque adesse pecunia posset, quâ oblatas operas non defuerit, audeo ego capitis periculo Theologos paucis illis exceptis quos metus pontificis et Cæsaris magis contra te fol. 6o. quam præmium jam, Invictissime rex, si hæc in Italiâ tem-

⁵³ The word *desiderio* has perhaps been omitted.

pesti[ve] fuissent tentata, quos habuissemus adversum nos, immo qu[os] non habuissemus nobiscum bonos et doctos Theologos, cum jam turba[ti] metu Cæsaris et Pontificis rebus, tot undique tam eruditi et pii Theologi ad patrocinum nostræ causæ sturnatim et velis ultro convolent; ex quibus (ut nonnulli suspicentur causam [esse] tuam), multi certe meam unius privatam causam serio putant. Si ergo pro privato homine operam tam policeantur promptam, quid pro te rege optimo doctissimo non fecerint? Extra enim adulationem dico ta[m] in Regis Angliæ litteras et virtutes omnium hic apparet charitas ut [tu] certe nec minus Cæsare, et plus longe Pontifice a studiis Ital[iæ] gratiæ semper sis reportaturus. Et hoc est præter æquitatem ca[usæ] quod patrem Franciscum et ejus nepotem virum Græce et Latine doct[issimum] Dominicum Trevisanum, multo quam ante a cognitâ tuâ, esse sensi in causâ tuâ ardentiores, sine quibus hic nihil prorsus fuisset consecuti. Illis enim solis debemus magnum istum Theologorum n[umerum]. Illis libros omnes et scriptores Græcos, illis indices veros, illis notarii publici auctoritatem debemus quæ ipsorum diligentia et humanitas quantum a tuâ Majestate favoris mereatur hi[nc] conjicere potest bonitas ista Regia tua, quod eo difficilius libro[s] impetramus, quo majore metu erant illi qui margine⁵⁴ excidere ne visis libris ipsorum fraus deprehenderetur. Bene valeat Majestas tua.

Venetiis, 11 Marcii.

⁵⁴ Some word or words must have been omitted.

Number CLXXIV.

*Copy of a letter from Croke to Brian Tuke, from Venice
March 11, complaining of want of money, and asking to
be recalled.*

[SIS] salvus. Post tot meas ad te litteras miror nihil a te
venire. Ego [lab]oribus non sufficio, et pecuniâ destituor quia
bonus episcopus [mi]sere et sæpe destituitur, uti ex ipsius quas
ad regem litteris ⁵⁵ poteris videre. Facit autem ille pro me
quod potest. Sed tantâ et itineris magnitudine et mercatorum
perfidia, qui omnia procrastinant, tardius pecuniam suppeditat
quam pro causæ regis commodo sit. Si pecunia adfuisset,
jam illos habuissemus, quos an simus conducturi illum cogimur
consulere, tam multa miliaria absentem. Si non effecero ut
causæ nostræ plures centum subscribant theologiæ doctores,
modo mihi literas de Cambio curet donandas rex, sit periculum
capitis mei. Male mihi cum hac regione convenit, et abunde
magnam pro tempore regi fidem exhibuisse mihi videor. Ob-
secro ergo ut facias quamprimum me revocari. Litteræ meæ
ad regem ejusmodi sunt ut sciamus tibi placituras; et non
ideo tamen exemplar non mittimus, sed quia laboribus non suffi-
cimus. Sunt autem litteræ nostræ veræ et fidei plenæ; rogo
ut nos accurate episcopo commendes a quo non vulgariter
amari meriti sumus. Sentio enim esse qui nostram apud ipsum
existimationem ex invidia conetur imminuere. Quam autem
noster adventus regi necessarius fuerit, ex hoc divina; quod
ne unus quidem Theologus ante meum adventum hic regi con-
ductus sit. Tu obsecro laborum fidei meæ in Regem ne sis
immemor, et ut dietæ mihi inaugeantur cura. Simulque ut hic
nobis mensa pateat, ubi plures quam Rhomæ nobis libros sup-
peditandos credo. Vale.

Venetii 11 Martii.

⁵⁵ *Mittit* is perhaps omitted.

Vitell.
B. xiii.
fol. 60 b.

Number CLXXV.

Copy of Croke's letter to Ghinucci, explaining how much he had spent in procuring adherents at Milan by means of Crocino; written from Venice, March 26, 1530.

Vitell.
B. xiii.
fol. 65 a.
ad med.

POST missas meas ad Dominationem tuam, sæpissime et per me et p[er alios] egeram cum Joanne de la Fossa ut mihi reliquos septuag[inta ducatos] numeraret. Ille plane nobis omnibus respondit non fact[urum], quod ipsi a Dominationis tuæ fratre esset scriptum nè amplius mihi, sed quomodo et[iam] reliquum protonotario numeraret. Minor me ex præmissis hominem in jus vocaturum. Respondet facerem quod liberet. Ubi citatuses, repetit coram multis quod in litteris proxime scripseram de archano quomodo præsens ipsi frater tuus mandato dederat. Quod me mire habebat anxium, tum quod sic factum, tum vero quod non admonito, cum illi id interdiceretur, periclitari videbam existimationem meam. Sed maxume omnium quod morari succe[ssum] rerum regiarum de industriâ vel negligentia suspicabar. Jam cogi[tabam] quam nullâ meâ culpâ perditis rebus, vanus etiam meorum tuorumque laborum apud regem viderer præco. Nam ultimum omnium erat in mente meâ quod homo hic peregrinus et hospes et hic g et quasi famo perire cogerer iterumque domum usque etiam mendicandum, nisi commodo succurrisset mercator [iste] cui adhuc pecuniam non parvam debeo. Quæ omnia ita a reddiderant ut dolori meo temperare non potuerim, n[ec] credere fuisse aliquem in Joanne de la Fossa dol[um] mihi septuaginta ex iudicio coactus rogaret ne facerem quod mihi coram testibus dixit litteras et præsent
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dixerat verum, eoque scribebam paulo acerbius. Rogo ut Dominatio tua id dolori meo condonet, qui eo erat gravior quod vos visus sim nullo meo merito amisisse quos solos omnibus præferens, mihi observandos putâram. De inopia meâ si

querar, quid miri quum semper bona pars pecuniæ⁵⁶ absumpta esset mercatoris morâ quam eam reciperem? Consumpsi autem ut intelligatis in negotio Mediolanensi scilicet in Crucinum, ut nobis amicos paret et nuncium, triginta scuta, quorum 22 mutuo a Dominico Francisci nepote acceperam, et quotidie responsum expectamus. Nomina vero omnia quæ pollicitus est quod hic non sint dedit Franciscus; partem tamen majorem habemus. Frater Thomaso promissa superavit, cujus medio speramus habituros maxime formidandi hostis contra nos scripta. Aliquot aureos Hebræis tuo judicio dabimus qui in harum conclusionum confirmationem scripturos se pollicentur.

Quod lex Deuteronomica pertineat ad solam hereditatem, et correlaria sit illius de filiabus Salphaad, Numeri ultimo.

Quod Thamar nunquam a filiis Judæ cognita.

Quod lex Levitica de lege naturæ sit, et semper tenuit tenereque debet, quod omnibus illa imposita sit; contra, quod Deuteronomica solis Judæis.

Quod Deuteronomica non teneat ubi aliqua occurrerit per Leviticam prohibitio, neque nisi casu et circumstantiis ibi expressis.

Numeravimus scriptoribus et bibliothecariis et fratribus, et in aliis rebus plus quam credideris; et tamen non majus quam oportuerat. Ne mireris me esse tam cito exinanitum. Quidquid tamen contigerit, non obliviscar ejus quam tu et frater tuus mihi exhibuistis humanitatis, et fide Christianâ policeor, quâ vos estis meriti, et quâ primo sum pollicitus in vos observantiâ et charitate, tam coram rege quam oratoribus, semper duraturus sum. Id vos obnixè precatus, quoniam nec hic nec Rhomæ Regi magnopere utilis esse queam, ut hinc justo viatico recta in Angliam dimitti queam. Vale.

Venetii 26 Martii.

⁵⁶ Perhaps *prius* is omitted.

Number CLXXVI.

The decree that the sentence of a majority of thirty-three doctors and bachelors of divinity shall be taken as that of the University at large,

Record
Office.

of Ox. Univ.
NOS Johannes Cotisforde hujus almæ Universitatis Oxoniæ Commissarius, autoritate et consensu totius hujus venerabilis Convocationis, declaramus, decernimus, et diffinimus, majorem partem omnium Doctorum et Magistrorum tam Regentium quam non Regentium omnium et singularum facultatum hujus almæ Universitatis Oxoniæ concessisse ac consensum pariter et assensum suos præbuisse, quod Determinatio Definitio et Responsio ad Quæstionem nobis ex et pro parte Serenissimi Domini Regis nuper propositam per illos Triginta tres Doctores et Baccalarios, ad id per facultatem Theologiæ nuper electos, sive per majorem partem eorum faciendâ, habeatur, censeatur, et reputetur pro Diffinitione Determinatione et Responsione totius hujus Universitatis; Et quod liceat Dominis Commissario et Procuratoribus Sigillum commune Universitatis literis super præfatâ determinatione per eosdem concipiendis apponere⁵⁷.

⁵⁷ This decree was printed by Herbert, and has been collated with two copies in the Record Office. It also appears in a note

in State Papers, vol. i. p. 379, and was printed by Collier from Herbert.

Number CLXXVII.

The decree of the University of Oxford in favour of the Divorce.

Tenor scripti Universitatis Oxoniensis. Sententia pro divortio inter Regem Henricum Octavum et Reginam Catharinam ejus conjugem.

Ex. MSS.
B. Twyne,
tom. 2.
fol. 57.

OMNIBUS Christi fidelibus ad quos scriptum præsens pervenerit, Nos, universitas doctorum et magistrorum, tam regentium quam non regentium, omnium et singularum facultatum almæ universitatis Oxoniæ, salutem in eo qui est vera salus.

Professionis nostræ debitum, pariter et Christianæ charitatis officium, illud a nobis efflagitat, ut parati et faciles semper simus de nostræ cognitionis luce aliis libenter impertiri, et satisfacere omni poscenti de eâ quæ in nobis est fide, doctrinâ, et scientiâ.

Cum igitur nos sæpius rogati, et requisiti sumus, ut, an nobis jure divino, pariter ac naturali, prohibitum videretur, ne quis Christianus relictam fratris sui morientis sine liberis duceret uxorem, nostram sententiam explicaremus; quoniam examinatis, et discussis, cum omni fide, diligentia, et sinceritate sacræ scripturæ locis, et sanctorum patrum sententiis, ac interpretationibus, quæ ad eruendam in hæc quæstione veritatem facere et pertinere judicavimus, tum etiam auditâ gravissimorum et eruditissimorum doctorum, et baccalaureorum sacræ theologiæ, quibus illud negotiî demandatum est, opinione et sententiâ super dictâ quæstione, post multas, frequentes, et publicas disputationes ab illis pronunciâtâ, et declarâtâ, invenimus, et judicavimus, illa longe probabiliora, validiora, veriora, et certiora esse, tum etiam genuinum et sincerum sacræ scripturæ sensum præ se ferentia, et interpretum denique sententiis magis consona, quæ confirmant, et probant jure divino, pariter et naturali, prohibitum esse Christianis, ne quis frater relictam germani fratris morientis sine liberis, et ab eodem carnaliter cognitam, accipiat in uxorem.

Nos igitur, universitas Oxoniensis antedicta, ad quæstionem prædictam ita respondendum decrevimus, et in hiis scriptis ex totius universitatis sententiâ respondemus, ac pro conclusione, nobis solidissimis rationibus, et validissimis argumentis comprobatâ, affirmamus.

Quod ducere uxorem fratris, mortui sine liberis, cognitam a priori viro per *carnalem copulam*, nobis christianis est de jure divino pariter et naturali prohibitum.

Atque in fidem, et testimonium hujusmodi nostræ responsionis et affirmationis, hiis literis sigillum nostrum curavimus apponi.

Datum in congregatione nostrâ Oxonii, die 8 Aprilis, anno Domini millesimo quingentesimo trigesimo⁵⁸.

⁵⁸ This decree is written in a contemporary hand as far as *pariter*, the rest being of a later date. It was printed from the same MS. by Wood, in *Antiq. Oxon.*, p. 255, from which it was copied in the

Appendix to Tierney's edition of Dodd's Church History, vol. i. p. 369. No. XX. The volume from which it is printed is described as *Farrago rerum Oxoniensium collectore B Thoyne*.

Number CLXXVIII.

Copy of a letter from Croke to the king, detailing what he has done, and complaining of the jealousy of Ghinucci and the Cassalis, written April 23rd.

[MITTO] ad celsitudinem tuam, Invictissime rex, quas policitus sum subscriptiones [ex] ipso autographo bonorum et doctorum qui hic tuæ causæ favent virorum, ad verbum fideliter ab amantissimo nominis tui clientulo, patre Thomâ Oranibono, Venetorum Dominicanorum priore, descriptas. Ipsum autem autographum, mecum ad celsitudinem tuam portaturus, servo, ne nuncii negligentia, vel periculo aliquo periclitaretur.

Vitell.
B. xiii.
fol. 83 b.

Misi nuper hinc ad Majestatem tuam nova quædam scripta Hebraica in causæ tuæ defensionem recens scripta. Misi Basilii epistolam cum commentariis, et nonnulla alia Græca, notarii manu inauthorata. Græca ea omnia nunc rursum mitto et excerpta complura ex cathenâ commentariorum Græcorum in vetus testamentum aureâ, in ea præsertim quæ ad Majestatis tuæ causam utcunque pertinere putentur. In quibus sunt multa inserta aliena, quæ inter disputandum cum his qui nobis renitebantur, veluti in causæ tuæ præjudicium, adducta erant, multa quæ, licet primâ facie non adeo videantur ad rem facere, haud dubie tamen maxime faciunt, ut ex doctissimis, quæ jam pro Majestate tuâ parantur operibus, postea videbitur. Parat autem modo pro Majestate tuâ scribere frater Paulinus, Græce et Latine et in scripturis doctissimus, ex ordine Dominicanorum reformatorum, vir insigni pietate, cujus scriptis nonnulli subscribent alii, quos omnes Domino Veronensi debet Majestas tua.

Horum tamen scripta, non nisi veniâ vel a Pontifice, vel a superiore impetratâ, consequetur Majestas tua. Tantæ religionis metu tenentur isti. Præcepit etiam Dominus Veronensis Vicario suo non modo favere Majestatis tuæ causæ, sed etiam in absentia suâ convocare et hortari Theologos ut pro Majestate tuâ scribant; sed et se quoque subscripturum pollicitus est. Scripsit etiam ad episcopum Theatinum, qui re-

spondet ut semper,—Nempe venerari se Majestatem tuam, sed non audere se huic negotio immiscere, certissimumque et optimum videri sibi ait, ut Majestas tua impetret a Pontifice, uti causam ipsam libere permittat Theologis omnibus disputandam. Hoc enim pacto fore ut, pro æquitate causæ, Majestas tua longe sit superior. Rogaveram etiam Veronensem, ut ipse per litteras tuæ Majestati, quid ab ipso sperari posset, significaret; ad quæ respondit, neque decere ut ille prior tantum principem litteris interpellaret, et tutius videri ut, non nisi litteris a te interpellatus, ad Majestatem tuam scriberet, quod roganti Pontifici, velit, veluti ex æquitate et non favore, Majestatis tuæ causæ subscribere. Vicarius autem ejus a me bullam dispensationemque exegit, et eandem exigunt jurisperiti omnes. Sed ego, neque ab oratore tuo, nec etiam a domino Vigornienti, ullis litteris aut Bullam aut Breve aut ullum etiam vel tecum vel contra te librum, aut aliquid aliud, quo in causâ ipsâ instrui potuissem, potui hactenus impetrare. Nescio quid in causâ sit. Certe habet, uti ex ipsorum syngraphis apparebit, meâ unius operâ, Majestas tua et patrem Franciscum et patrem Thomam Omnibonum, et horum autoritate non illos modo quos in litteris proximis ad Majestatem tuam nominavi, sed hos quoque omnes quorum subscriptiones his adjunctas vides. Desunt tamen multi quos pater Franciscus paravit, quoniam ille modo, ut discedens dixit, circa negotia Majestatis tuæ peregrinatur. Conciliavi etiam Majestati tuæ pignore dextra, sed magnis et meis et doctissimi viri, Nicolai Leonici, laboribus Simonetum illum, Patavinæ Theologiæ anagnosten, quem hujus domini theologi omnes veluti Deum venerantur. Expecto quod cras et litteras quas mihi et Leonico ad Majestatem tuam pollicitus est se scripturum, et post triduum opus quod in favorem causæ Majestatis tuæ, tantum non (ut dicit) jam absolvit. Conduxi præterea Joannem Franciscum Marinum, conventualium apud Venetos ministrum, et regionis hujus provincialem, [et habeo] penes me ipsius syngrapham, quâ se obligat omnibus viribus [ostensu]rum, jure divino naturali et morali, papæ indispensabili [prohibitum esse ne r]elictam a fratre, frater ducat, et etiam paraturum quotquot [potuerit, in favorem causæ] Majestatis tuæ, Theologiæ magistros, adeo
. certa spes sit et solum
.

Et hæc quia unus solusque confecerim non credit Majestas tua quam multis da modo tui meorum laborum gratiam in se transferre. Ego, quia [sic] tua jussit Celsitudo, quicquid in tuis causis promoveram statim syncere cum domino Wigornienti communicavi et si quid urgebar orabam. Quo consilio, licet ante devictum Majestati tuæ habueram Joannem Franciscum Marinum, tamen, quo redderetur ad parandos Majestati tuæ amicos alac[ris] ille, egeram cum Wigornienti, ut clam aliis suâ illum autoritate per literas ut solaretur et confirmaret. Communicat tamen ille cum Gregorio de Cassalis rem, et communi nomine ad me rescribitur et private quæ obsecro te per Deum Christum Majestati tuæ facies perlegi. Nocuit enim hoc eorum factum mirifice causæ tuæ, quod non sensissem nisi me, scriptis jam fere litteris, rogâset ad se venire Joannes Franciscus. Qui, ubi accedo, multis precibus (ut præferebat) meticulosus a me contendit ut syngrapham illi suam restituerem, reciperemque rursum mihi pecuniam ego meam. Addebat venisse ad se his festis oratorem Majestatis tuæ, rogâsseque ut pro rege scriberet. Id tamen se ipsi negâsse aiebat. Quod an fecerit ignoro. Sed hoc certe scio, cum a reditu oratorem accessissem tuum, suasisse illum mihi ne exigerem responsum, posse enim fieri ut negarent (ut ex amicis intelligere aiebat) se permissurum fieri aliquid Senatus; et, id si contingeret, fore ut statim a patrocínio Majestatis tuæ omnes resilirent, et similia his quæ mihi dixerat Joannes Franciscus dicturos omnes veluti divinare dicebat. Dixit autem Franciscus iste Marinus admonitum se a multis nobilibus Venetis, et urbis primariis, ne huic causæ se immisceret, nec sine maximâ dominii offensâ in hoc negotio aliquid pro Majestate tuâ agi a quoquam posse. Denique orare cœpit me et obtestari et policeri, modo ipsi syngrapham velim restituere, longe plura se pro Majestate tuâ facturum, ubi semel a Senatu venia libere loquendi fuisset impetrata. Si vera iste queratur, invictissime rex, quorsum occultâ ista tuorum negotiorum per oratorem hic tractatio? Sin falsa, quis non videt oratoris tui consilio queri illum ut extortâ syngraphâ mei labores ipsi ascribantur. Adeo enim pro nihilo habuit frater iste quod jurarem me omnia secreta habiturum, ut diceret, si nollem reddere, se negaturum syngrapham suam. Quia tamen ejus syngrapham optimum putavi fore argumentum sentituros multos pro Majes-

tate tuâ, modo metus abesset, servandum id ejus fidei pignus putavi. Itaque respondi me non citra capitis periculum syngrapham posse restituere. Habere enim me in mandatis, conducendi quidem omnes, sed neminem prorsus, semel saltim regi meo devictum, dimittendi. Hic ille communicatus cum Wigornienti laboris mei fructus. Statui igitur posthac uni mihi fidere et hinc mittenda omnia Herwello, subdito tibi fidissimo, ferenda committere. Est autem iste hic et pro se et pro Farnesiano illo. Utinam velint isti tam esse studiosi novos parandi quam jam paratos, in alienæ diligentiae fraudem, causæ tuæ patron[os] sollicitandum. Adiit etiam idem protonotarius hoc paschate priorem prædicat[orum] tuum illum Omnibonum, a quo, (ut ex litteris ipsius liquet) conclusionem non magno fructu extorsit. Scripsit etiam ad me Wigorniensis, invictissime rex, petere ab eo Gregorium de Cassalis quinquaginta [aureos], quos apud Crucinum⁵⁹ deposuisset, ad Theologos in Lombard[iâ] parandos] quod miror, cum diu ante a me et Francisco, non sine pecuniæ, quadraginta aureos ad hoc

reos satis se habuisse scribit et multa plura amiciores Francisci delaturum se ostendit. Quorsum ergo jam liberalissime conducto quinquaginta numerat de Cassalis nisi libeat in fraudendo alienæ industriæ Majestatis tuæ pecuniam inutiliter dispendere? Quâ spe ut fallatur, nec immerito, mitto modo longum quoddam opus Crucini, olim ad Franciscum missum; sed quale magis ostendet ejus in sacris litteris exercitationem quam juvet causam ipsam. Mitto exemplar etiam formulæ ipsius Crucini limatioris, cujus autographum, septem doctorum manu et signo consignatum, mecum servo. Habet Franciscus quidem Crucini operâ duorum insignium Theologorum contra Majestatem tuam scripta, quæ misissem si ille adfuisset. Invictissime rex, multa video sentioque cum magnâ fraude undique in causæ tuæ dispendium tractari, sed quæ modo scribere nec satis tutum, et nimis forte fuerit prolixum. Quod si haberem quo possem, aut interim libere quo velim, migrare liceret, nihil dubitarem diligentiam meam tuæ Majestati futuram plurimum utilem. Nam quod ad librorum præsidium attinet, non video quod multum

⁵⁹ Opposite this in the margin is *Autographa Crucini*.

inde juvemur, et facultatem Romanæ bibliothecæ non immerito despero; cum ejus custos Aleander sit acerrimus omnium tuæ causæ hostis. Unum ex antiquissimis illis tam charis nomocanonum Græcorum et Basilii epistolæ libris nunc 60 aureis possum redimere. Sed in hoc, Invictissime rex, mandatum Majestatis tuæ expecto. Bene vale.

23 Aprilis.

Number CLXXIX.

Copy of Croke's letter to the King from Venice, April 23rd, 1530, complaining of the ambassador for opening a packet of letters directed to himself.

Vitell.
B. xiii.
fol. 74.

IN most humble and lowly wise I beseech your highness to be advertised that I received your most honorable and gracious letters, to my high joy and comfort, the 4th day of April. The which day, gracious lord, when I came to deliver your most honorable letters to him, Father Francis exhibited unto me the copy of your said letters, delivered unto him immediately before by the hands of your ambassadors here, to his marvelous discomfort, displeasure and fear, forasmuch as he for avoidance of more inconvenience, which else undoubtedly would have ensued, always before renyed unto your said ambassadors that he other had or would write anything in the favour of your highness' causes, unless he first had license or were commanded by the Pope or by the senate here. The copy of the which your most gracious letters to the said father, and of all other your highness' letters sent hither, your said ambassador had in the packet directed by your most high commandment unto me. The which packet he brake up, and not only detained from me the copy of divers letters sent by his brother and my lord of Worcester to the bishop of Verone and Thieti, but also perceiving by the copy of your highness' letters sent unto the senate, that your said highness desired no credence to be given unto me, nor that I had no other means to get me credence of the senate but by the show of your most gracious letters unto me, your poor wretch and servant, and he perceiving also that by show of them could not but bring father Franceys into great danger, and by his displeasure should have caused all other to have feared to favor your cause, which be not a few and of the best; he perceiving all these things, most gracious lord, would in no wise procure me any credence at the senate, nor yet let me be privy what time

he would deliver your letters, nor deliver your said letters unto the senate afore the 10th of April for no suit that I could make unto him. At the which delivery he, as he said, had obtained [that] none other should be present but such as he

I think and trust that in recom[pense]
of his old negligence he will so order
conveyance that there shall appear
effect there of

privily ascertained of his resort to the senate, or he were fol. 74 b.
entered with him, he secretly spake with the duke Italion, and, as he after told me, said that I was sent only to solicit him; and the duke's answer was that they had other so great business that they could not make answer to your highness' letters till after the time. And where it hath pleased your highness to signify unto him, by your letters, that your most high pleasure was that he should only deliver your most honorable letters, and suffer me to procure the answer, I perceive that he therewith is sore annoyed against me, and hath me in a marvellous jealousy; in consideration whereof I am compelled to make humble and instant suit to your highness [to send y]our letters hither; for I by this negligence not only fear of bodily harm, but also great impediment by envy and malice of your most honorable causes, the which, God be thanked, I have almost brought to that effect and end the which your highness most desireth. And thus I beseech the holy Trinity to have your highness in his most blessed tuition.

At Venice, the 23rd day of April, writ with the rude hand of

Number CLXXX.

Instructions given by the Council of Ten to Marco Dandolo, directing him to prevent the Jurists and Theologians at Padua from giving any opinion in the matter of the divorce. May 12, 1530.

Venetian
Archives,
Parti Se-
crete, Cons.
X. Filza
No. 3.

Die 12 Maii 1530 in Cons^o X. cum additione.

Ser Marco Dandolo Doctori et Equiti Paduæ moranti.

VOI sete ben memore de la rechiesta che già ne fu facta in nome del Serenissimo Re de Angelterra in materia del divortio et parimente de quanto a lincontro la Cesarea Maestà per il mezo del orator suo si è dimonstrata desiderar che facciamo in tale proposito. Et perchè da novo siamo instati da luna et laltra parte ad resolutione—Ne è parso cum il Consiglio nostro di X et Zonta scrivervi le presente Confidandove come nella prudentia et dexterità del inzegno vostro far devemo, et che la intention nostra sarà da voi accomodatamente exequita; et sopra il tutto passerà secretissima.

Et perhò vi commettemo che ritrovatovi prima et de subito cum lo excelente D. Petro Paulo Parisio, affirmar li debbiате in nome nostro, quanto ne sij sta grato haver intesa la risposta che sua excellentia ha facta alli agenti del prefato Serenissimo Re Anglo in tal materia declinando, come lha facto il voler consigliar a dicta causa per li' respecti prudentemente per lui allegati intervenendo in quella chi vi interviene et si die cum ogni industria schivar de non offender imperhochè consigliando in materia si grave et rara in favor de luna parte laltra convenirà resentirse summamente del Consultore, qual non si ritrovarà mai sinciero de la indignatione et pericolo che li potria poi instar dal offeso. Et perhò poichè harete lauda tala prudente deliberatione di sua excellentia in cio la exhortarete ad perseverar in quella lassandosi intender ogni volta che la sarà per nome di esso Re et similiter se così occorrerà di quella Serenissima Regina ricerchata a questo non essere

per mutarsi dalla sententia sua non dimonstrando perhò per quanto lha cara la gratia de la Signoria nostra che tal cosa prociedi da voi, come non dubitamo sua excellentia farà, conoscendola et prudente et bene affecta alle cose nostre. Qual officio poi che harrete facto cum il ditto Parisio, troverete tempo di esser cum lo eccellente D. Franceschino da Corte et cum cadauno de li altri juresperiti et Theologi che ordinariamente legono in quel studio cum salario nostro li nomi de li qual saranno qui inferius annotati, Parlando perhò separatamente a luno da laltro alli qual in nome del prefato consiglio nostro di X et Zonta secretissimamente farete intender il prenominato desiderio nostro che non si impediscano in tal negotio si ad instantia del ditto Serenissimo Re come de la Serenissima Regina cerchando perhò prima cum ogni vostro Studio de intender se alcuno de loro harà consigliato a ditta causa de divortio, et non lo havendo facto imponendoli che declinino de farlo cum addur in excusatione de ciò li particular respecti suoi che li constringono a dover così far per non discompiacer ad alcuna de esse parte qual eternamente si chiamaria da loro offesa, et quando vi dicessero haver già consigliato ad essa causa ma non anchor profercto il parer suo li iniungerete ad supprimerlo pigliando le soprascripte Excusatione et sopra ogni altra cosa li advertirete che facino il tutto come da se, non dimonstrando per quanto desiderano conservarsi nella gratia nostra che tal cosa provegni da noi ma da loro per li respecti sopra alligati et per maggior cautezza darete sacramento ad cadauno de loro de non parlar che tal cosa provegni da noi cum alcuno et sij chi esser si vogli, et de quanto harete da cadauno di essi Professori in risposta ne lo significarete per lettere vostre indreciate alli Capi del predetto Consiglio et se in maggior expression de tal nostro desiderio vi parerà di monstrarli et leggerli le presente lo potrete far governandovi nel tutto cum quel bon modo et dextra forma di parole che expectar devemo dalla prudentia et diligentia vostra et far si conven in una materia si ardua et importante et sopra il tutto vi replicamo la secretezza nel che consiste il precipuo fundamento del prefato desiderio nostro.

Et ex nunc sij preso che per quella via che meglio parerà al Collegio nostro sij facto intender al Rev^{do} D. Fra Francesco Zorzi in nome de questo Consiglio ad abstenirse da dar alcuno

consiglio ne impedirsi in simel materia et sij da facultà al Collegio nostro de posser communicare la presente nostra deliberation al Magnifico Orator Cesareo intervenendo li Capi de questo Consiglio.

—/— 19.

— I.

— 2.

Number CLXXXI.

Holograph letter from Reginald Pole to the King, relating to the arrival of the French king's letters to the University of Paris, and promising speedy advertisement of all future occurrences. Written May 14th, 1530.

PLEASETH it your grace to be advertised, that even as I had written and sealed these other letters directed to your grace ready to give to the messenger, I was certified from Monsceur de Langes that there was a post arrived here which had brought all such letters from the French king to the University as Mr. Welsborne, your grace's orator, had written to be sent by the last post that went with letters to your grace from the French court. So that now whenas I write in my last letters to your grace, what doubt both Monsieur de Langes and I were, because the letters did not appear that your ambassador writ was both obtained and sent. Now we be satisfied in that behalf, and Monsceur de Langes sheweth me they be as effectuously written as could be devised for your grace's purpose; insomuch that there is no other delay but the expectation of certain doctors, which be chefe of your grace's part, and now absent, but looked for surely to return within five days. And these once arrived as the speed that be made in publishing your cause, your grace shall be advertised from time to time. With the grace of God, who prosperously preserve your grace in his high pleasure.

Written at Parys the 14th day of May.

Your faithful servant and scolar,

RAYNOLD POLE.

Endorsed,—

Reginald Pole to the King's Majesty.

And again,—

R. Pole to the King's Highness.

Number CLXXXII.

Rejoinder of the Council of Ten to Marco Dandolo, directing him to see that Mariano expresses no further opinion on the subject of the divorce.

Venetian
Archives,
Parti Se-
crete, Cons^o
X. Filza
No. 3.

Die 17 Maii 1530 in Cons^o X cum additione.

Ser Marco Dandolo Doctori, et Equiti Paduæ moranti.

RECEVESSEMO quarto giorno le vostre de 13 et heri quelle de 15 per le qual si come prima cum grande nostra satisfatione intendesemo li Sig^{ri} professori ad complacentia nostra essersi accomodati alla nostra intentione nella materia del divortio, per le molte ragion per voi de ordine nostro adducte et per loro admesse cosi ne siamo inducti in qualche admiratione, havendone voi per lultima vostra dinotata la mutation de D. Mariano da Sienna dal primo suo proposito di voler satisfarne alla resolution. El vi disse da poi haver facta di voler dar fori le opinion et ragion che si trovano per luna et laltra parte senza perhò exprimer altramente el juditio suo: Il che importandone ad ogni modo come fa, che essendo lui Professor in quel Studio et nostro salariato. El si lassi nominar in ditta materia et desiderando come summamente facemo conservarsi nella amicitia et benivolentia de cadauno de li principi che in tal causa hanno interesse. Ne è parso darvi le presente cum il Consiglio nostro di X. et Zonta commettendovi che ritrovatovi cum il ditto D. Mariano, ne chel consiglj cum parole o scripto da novo li faciate a bocha intender la preditta intention et desiderio nostro che il nome suo in tal causa de divortio non si intervegni si per luna come per laltra parte possendo lui in tal cosa addurre multe excusation che da la sapientia sua li sarà sugerite et supponendo sopra ogni altra cosa che a questo el sij da noi ne exhortato ne indutto voi veramente vi gubernarete in ciò de modo chel conosci facendo questo esser per farne cosa di grande satisfatione, et quando che altramente il che non se lo volemo

persuader di molestia, replicandoli da novo profundo silentio che questa cosa vengi da hoi, subiungendoli ad non ne far parola ne cum li altri professori imperhochè intention nostra è, che alcuno de loro non sapi di esser sta tutto da noi in questo ricerchatì aciò che la cosa passi secretissima come è precipuo desiderio et intention nostra; de la executione darete notitia alli Capi del consiglio nostro di X.

—/— 14.
—— 8.
—— 3.

Number CLXXXIII.

Copy of Croke's letter to the king from Bologna, May 26th, 1530, giving an account of the difficulties he encountered in procuring favourable opinions for the king's cause.

Vitell.
B. xiii.
fol. 77 a.

PLEASE it your highness to be advertised that in my [demore] at Vincentia father Franceys caused 9 doctors to subscr[ibe] a bill drawn by him in corroboration of your cause; the which bill being subscribed with the hand of many more, immediately after my departing from Vincentia, was taken from father Franceys, and brent by the bishop Vasonus, being Nuncius Apostolicus into these parts, I cannot say by whose suggestion; but this I know perfectly, that this bishop, lodged 3 mile from Vincentia in a place of his own in the country, came (as he told me himself) purposely to Vincentia for this matter, and at the same time was lodged in his said place your ambassador de Cassalis. Notwithstanding the which loss, with them that your highness hath already and those that are in my hands and father Franceys', your grace by my procuration hath 50 subscriptions and counsels concluding directly with you, whereof 36 be doctors and the other be observants of good learning and great estimation here. Your highness also shall undoubtedly have certain more from Verona and from Foro Julio; beside these, that Franciscus Marinus, provincial of the grey friars, is bound and by exhortation of Leonicus wol and promised faithfully to get us. Simonetus, whose letter unto your highness I have delivered unto my lord of London, complained sore to me and Leonicus of your ambassador, because he (by the report of the said Simonetus) committed your conclusion to a friar called Bergs⁶⁰, to be published and disputed in your highness' name at their general chapter at Rhoigo. The which publication, as he saith, hath caused that he cannot procure the number of doctors to subscribe unto your cause that he else would. And this his error by

⁶⁰ In margin is written by Croke 'Berges' in darker ink.

craft to ascribe unto me, he wrote to Simonetus desiring him to write to my lord of London that your matters in time past had been evil handled, and by reason that they were disclosed to every man, greatly hindered, and to cite him for witness in that behalf, this letter, most gracious lord, subscribed with [his] own hand Simonetus exhibited not only to me but . . .

But the cause of all this malice is the sight . . .

as your grace sent unto me and . . .

whereof the . . .

. . . to me, he dissolved and delivered father Franceys the fol. 77 b.

copy of your most honorable letters sent unto him, or that he delivered me the same. Notwithstanding that I was then at home, and followed him unto father Franceys' chamber, and from thence came home unto my house with him, and daily afterward exhorted him to deliver your said most honorable letters unto the whole senate; to the which my suit, what he answered, his bill of his hand herein inclosed declareth. And no doubt, sovereign lord, the cause why I can have as yet no answer of the senate, nor, as he saith, shall never have, is his conveyance, which knowing that I have no mean to have credence nor authority to demand answer, but only your letter (the which I may not shew) enlesseneth my estimation all that he can, saying that I am sent to solicit him. Notwithstanding, by the help of Dominicus Trevisanus, I got in his absence one day into the senate-house, and there obtained this answer, that within 3 or 4 days they would send for me; and then not only give me an answer, but such an answer as your highness should be pleased with. Albeit I have solicited very diligently since that time, and could never be heard ne answered.

In consideration whereof, and also for my discharge in time to come, and that I may with the more credence and authority entreat and farther your most honorable causes here, I am forced to make most instant and humble suit unto your highness that it may please the same to grant me a commission that I may shew, and to send me new instructions, whereby I may know how to order myself to your highness' most profit and gracious pleasure; farther, that I may be advanced aforehand with sufficient money as well for my diets as for such charges as shall necessarily chance for the

proferment of your most honorable causes; for, as your highness knoweth, I have nothing of myself nor by friends, nor yet by promotion, but only of your most abundant goodness. And I now have been and continued in your most honorable service here fully 7 months, for the which time and not a day longer I have received [from] your highness my dietts. I have also, gracious lord, laid out [money, as shall] appear by my accompte, the which I send with these letters [to your highness]. And doubt not but shortly to send unto your highness [proof] of my fidelity and diligence I may have.

fol. 78.

My fidelity will not suffer me to conceal from your [highness] that I received of the protonotary a bill of names s[ent] unto him from his brother Gregory, for the retaining of whom in Millayne he demandeth fifty crowns, as appeareth by his letter and my lord of Worcestre's, the which with the copy of the same bill and of the instrument made by a notary, and sent unto father Franceys from Crucinus, for his declaration how he spent the money received of father Franceys and me, I send with these letters. The which instrument conferred with Sir Gregoryes bill plain sheweth that he dema[n]deth fifty crowns for them whom in Myllayne we had retained afore. In like wise in the bill which the bishop of Worcestre sent me by his neveu, part be of them. And those that your highness seeth pricked, I have tried to be faigned, as I suppose that some of them also were, that the protonotary exhibited here to my lord of London. Amongst the which, because he exhibited not Thomas Omnibonus' conclusion (which I know well that he had) and because his brother Paulus of late threatened the friar, that his conclusion was sent to the Pope, unless your highness have the said friar's conclusion of his own hand, surely his own hand is sent unto the Pope to the great hindrance of your most high causes, and utter undoing of the said friar, unless your highness will vouchsafe to be his aid and succour.

In most humble wise therefore I beseech your highness to ponder with what men your ambassadors and your poor servants, I and my fellows, have to meddle withal here; and in case we cannot so much proferre your highness' causes as we would and should, that it may please your highness to

accept our good will, end[eavor] and faithful diligence. And in like wise beseech your highness to command Mr. Tuke immediately at all times to ascertain me what letters and writings your high[ness shall] receive from me, for I have sent your highness [many], and except one in English, I sent with them divers t[imes] writings concerning your most [honorable cause].

The which fol. 78 b.
[c]aused my servants to copy them out, and upon their back sides to write what letters and writings I sent with each of them. The which letters, with these and all other that shall come from me out of Italy, my most humble request is, that it may please your highness to commit them to be read to Mr. Tuke and Mr. Fox, and be kept from the knowledge as well of the ambassador of Venice as all other Italions, for fear of secret advise by them to be made hither, to my great danger and peril. And thus the most blessed Trinity have your highness in his most blessed tuition.

At Bononye the 26 of May with the hand of

Number CLXXXIV.

Copy of Croke's letter to Brian Tuke, thanking him for good offices, and urging that the Venetian Council must be requested to give free permission to counsel in the King's cause. Written from Bologna, May 27, 1530.

Vitell. B.
xiii. fol.
79 b.

AFTER most hearty commendations, these shall be in like wise to thank you for your great kindness and goodness shewed unto me, mine own good Mr. Tuke, and also to pray you of continuance of the same. Sir, Mr. Petre, as by the king's commandment, and also Mr. Fox writeth to me that the king's highness hath allowed me my post money according to the rate of mine own bill and axynge, so mounting to 67*l.* and odd money. Albeit considering that my lord of Worcestre hath advised me how that ye signify to him that the king alloweth me but 59*l.*, I have made my count unto his highness after that rate, praying you to remember my poverty and good will toward you, which will rather suffer great loss than to lose your love and favour. And I pray you to advertise the king that (as the ambassador Cassalis saith) the answer of Venice shall be to bid me to do my best, and that they will not interrupt my endeavour. But if we should prefer the king's causes accordingly, the king's highness must cause them at the least to call the heads of religious together, and signify to them that they are content that every man say and write according to his conscience, in any question to be moved unto them, as concerning matrimony in the king of England's name. And I doubt not but we shall do marvellously well. Thus Jesu preserve you.

At Bonony, the 27th of May.

Number CLXXXV.

Copy of Croke's letter from Padua, written May 30, to the King, alleging the advantage that would accrue if Ghinucci could be induced to inform the friars that they had free permission from the Pope to express their opinions.

PLEASE it your highness to be advertised that [beside] the number in my last letters comprised, I have ob[tained] the assertion of this conclusion subscribed with the hand of 18 doctors, whose names with said conclusion are contained in the bill herein enclosed, and with the same I send also your highness such advice as in the name of your highness my lord of Worcester hath at divers times sent unto me, excerpted word for word out of his letters; in the execution of which advices I have not so far meddled as he seemeth to exhort me, for avoid[ing] of rumour, for I have only entrusted your most high causes with Father Franciscus Georgius, Joannes Franciscus Marinus, Thomas Omnibonus, Simon Ardeus, otherwise called Simonetus, whose letters unto your highness I committed to my lord of London the 15th day of May. Albeit I have, most gracious lord, been by when divers doctors, not knowing what I was, did subscribe. And for by cause I saw that only fear of the Pope letted many to speak and write in your most high causes, according to their learning and conscience; and doubting that the Pope, from fear of the Emperor, would not grant open licence that men might speak and write according to their conscience and learning; I moved my lord of London to cause my lord of Worcester to ascertain the forenamed friars, with warantysse that the Pope's pleasure was that every man should freely speak and write his opinion, if any question concerning marriage were moved unto them, in the King of England's behalf, and that the said lord of Worcester should also by his letters avouch that he had in this behalf spoken with the Pope and perfectly did know his mind. The which thing, if my lord of Worcester would do, and leave obtained

Vitell. B.
xiii. fol.
80 a.

of the senate here, I doubt not but to obtain the most part of Italye, for the *Auditor Camaræ Apostolicæ* is an office here of great reputation. And thus holy Trinity have your highness in his most blessed preservation.

At Padua, the 30th day of May.

Number CLXXXVI.

Copy of Croke's letter of May 31 to the King, informing him that Raphael had been taken into the Pope's service, and Francisco Georgio summoned to Rome.

PLEASE it your highness to be advertised that this present morning I received a letter from my lord of Worcester, by the which it appeareth that Marcus Raphael, the Jew converted that so earnestly wrote in favor of your most honorable causes, is now with the Pope in service, and that the Pope intendeth to send also for Father Frauncis (as men talk here) to make him cardinal. I must beseech your highness for the help of my fidelity and diligence in obtaining answer of the senate, the delay whereof letteth your highness of many friends, both to write unto the senate in that behalf, and to ascertain them that your highness hath especially sent me to procure of them the said answer, without the which advice from your highness I am advertised by your highness' friends here that I shall never have answer; the cause whereof I wrote unto your highness from Bonony by the conveyance of my lord of London, to whom I committed Simonetus' letters and divers letters of mine own, ascertaining your said highness of divers other letters and writings, concerning as well the corroboration of your highness' causes as confirmation and probation of sundry mine advices, made unto your most noble grace, how men hath and do handle your causes here. And with that also, gracious lord, I sent mine account for Mr. Tuke, beseeching your highness that my fidelity and diligence, whereof if your highness hath received such writings as I have sent unto the same, hath had some proof, may not be destitute of money and provision needful for preservation of the same your causes. And thus the holy Trinity preserve your highness.

At Venice, the 31st of May.

Number CLXXXVII.

*Copy of Croke's letter, written May 31 from Venice, to Tuke,
asking for some money.*

Vitell. B.
xiii. fol.
83 a.

MASTER TUKE,

In most hearty wise I thank you, praying [you to] deliver these letters unto the king's highness with all expedition; for th[ere] is contained in them a great sort of doctors' subscriptions, above [the] number written to him aforetimes, the which I doubt not shall be to the singular pleasure of his highness, for they be of very best of Venice and Padua and almost all. I beseech you remember my diets, and money for the king's causes, with the which ye may see, by my account sent unto the king's highness, that I am but slenderly furnished, and without quick provision shall shortly be utterly destitute. But the care of this matter I commit unto your goodness, to whom I count myself singularly bounden. Florence is in extreme necessity. And hereby Vincence was upon Monday destroy[ed] with tempest four mile compass, so that there was neither stocke nor corn nor grass left standing, but pulled up by the roots. And thus Jesu preserve you.

At Venice the 31 of May.

Number CLXXXVIII.

A catalogue in Croke's hand of names of Italian doctors whose adherence to the king's side had been obtained by Father Francis, in May, 1530.

A copy of names and subscriptions gotten by Father Francis besides them that the king hath and them that are in foro Julii and also them that came from Crucinus.

Record
Office.

Nomina doctorum [quæ] erant combusta Vincentiæ.

Adamus Colberraldus, } Juris utriusque doc[tores]

Antonius Colberraldus, } [Per]usini.

Aurelius ab Aqua, Juris utriusque doctor et
Vicentinus.

Presbiter Modestus de Arzig[nano], decretorum doctor.

Magistri in Theologiâ.

Johannes Petrus a Furnis,	} Ordinis minorum conventualium.
Archangelus de Marzariis,	
Bonaventura de Vincentia,	
Valerius de Vincentia,	
Hieronymus de Morostica,	

Aliæ quædam subscriptiones in scripta patris Francisci.

Ego frater Aurelius de Verona, sacræ theologiæ professor et lector, approbo et rectifico omnia supra dicta optime et excellenter dicta et enucleata, digesta atque discussa.

Ego frater Dionysius Sonnogranus, sacræ theologiæ professor ac prædicator, supra dicta tanquam bene digesta et discussa approbo et rectifico.

Ego frater Paulus Girardus, minorum observantium, Sacrorum Canonum Dei munere interpret, actuque legens omnia et singula supra quam probe ac legaliter bene discussa approbo ut dignum est atque ratifico.

Ego frater Ludovicus Pratensis, ordinis minorum observantium professus ac ap^s prædicator, omnia suprascripta approbo et confirmo.

Ego Magister Antonius a Curta, Patavus ordinis minorum Conventualium, cuncta suprascripta, tanquam a viro in sacrâ scripturâ et doctrinæ divinæ scientiâ peritissimo, approbo et recte ac divinæ legi conformia confirmo, remittendo me judicio saniori, non præjudicando ecclesiæ Romanæ et judicio et auctoritati.

Ego frater Seraphinus Mantuanus, ordinis minorum reg. observantium qui Paduæ sacram Theologiam per plures annos legi, approbo et confirmo omnia suprascripta, divinæ legi conformia esse, non præjudicando sanctæ Romanæ Ecclesiæ judicio et auctoritati, etc.

Bernardinus Senensis.

Ego frater Bernardinus Senensis, sacræ theologiæ lector, approbo et confirmo ut supra, non præjudicando sanctæ Romanæ ecclesiæ judicio et auctoritati.

Ego frater Celestinus Zeno, prædicator approbo et confirmo ut supra, non præjudicando sanctæ Romanæ ecclesiæ judicio et auctoritati.

Ego frater Ludovicus de la Turre, ordinis minorum observantium prædicator, et sacræ theologiæ professor, approbo non præjudicando sanctæ Romanæ ecclesiæ judicio et auctoritati.

Endorsed—

To the king's highness' own hands.

Another contemporary endorsement—

Nomina Subscriptorum.

The names of certain learned men in Italy approving the king's majesty's great cause.

Number CLXXXIX.

Copy of Croke's letter to the King sent with a copy of the Decree of the Theological Faculty of Padua. Written early in June 1530.

IN most humble wise I beseech your highness to be good Vitell. B.
xiii. fol. 93.
[lord to me], for it is my only diligence and faithful conveyance [that hath] procured unto your highness, as appeareth by the originals being [in my] hands alone, the subscriptions of an hundred divines, beside [the decree] *Collegii Theologorum Patavinorum* under their common seal, whereof [I send] your highness a copy, the which to obtain what pain and n. I sustained, I trust that my lord of London will inform y[our grace], whose prudent counsel and good advice I followed in all points [in] the same, so that, gracious lord, I have nothing letted the proff[erment] of your high affairs here, nor by passion nor yet by envy, as [your grace] to my utter discomfort noteth in your most honorable letters [unto me]; for I assure your highness upon pain of my life that I [never gave] countenance of displeasure to your ambassador in deed or [word] that I refused to communicate with him my secret handling [of your highness'] affairs, first because of your instructions which gave m[e no licence] to communicate with any other than the bishop of Worcest[er, and ve]rily forasmuch as I by many and sundry experience had [perceived that] all your matters that he was privy to did utterly miscarry [and were] marred; as I have substantially proved afore my lord of Lo[ndon at] length, and much more plainly than ever I signified unto you[r grace] by any my letters. Notwithstanding, I doubt not by this [time your] highness hath the knowledge of the whole truth, and that as well [by mean] of father Frauncyes as of prior Thomas. Albeit, for better declar[ation of] my innocency and their cloked infidelity, I send unto your hig[hness a] copy of three letters; the first of Sir Gregorye to his bro[ther, where]by appeareth

how he, to the detriment of your high causes, embec[illed of] your ambassador and me the determinations of your universit[ies in] England. By the second, that your ambassador, if father Fraunces [would] have assented, went about to embecyll all the said father's labo mind. The third witnesseth that I afore have rehearsed t[o your grace] the cause why I durst not communicate with him divers that procured any great thing in your cause hath been threatened [as well by] the inferior ambassadors as divers senators of Venice, and some h[ave] been cited afore the duke, and by them other put in great f ear] That if the contemplation of your most honorable letters [had not] prevented the fury of the Segnorye here, I dare be bold to [say, they] had been utterly undone; wherefore I commit now unto your [highness'] wisdom to judge whether feigned fear causeless caused to move me to make suit unto your most royal [estate, for your] most gracious letters to be directed unto the [senate, to allow that] every man might speak his mind [freely. And may the blessed] Trinity have [your grace in his tuition].

Number CXC.

Letter from the Council of Ten to their ambassador in England, stating what they had done in the matter of the divorce.

*Die 3^o Junii 1530 in Cons^o X. cum additione.
Oratori nostro in Anglia.*

MOLTE mano di vostre habiamo a questi proximi giorni recepute et le ultime sono de 12 del preterito, continente le occorrentie de quelle parte da noi gratamente udite, et del studio per voi in ciò posto ve ne laudamo, alle qual non ne occorrendo far alcuna risposta devenerimo tamen in significarvi quanto de quì è successo in materia del divortio desiderato da questa Maestà, et ve dicemo esser già qualche giorno venuto alla presentia nostra il Reverendo orator de sua Maestà quì residente, qual havendone rese lettere di quella a noi scritte ne expose a bocha il contenuto in quelle che in substantia è, Sua Maestà rechiederne ad esser contenti di permetter che li professori del studio de la cità nostra de Padoa, et altri homeni celebri di doctrina che sono in questa et altre cità et lochi nostri possino et debino favorabilmente consigliar alla preditta causa sua, alle qual lettere havendo noi risposto nella forma, che per lo quì incluso exemplo vederete et cum il prefato Reverendo Orator suo più diffusamente parlato, ne è parso perhò advertirvi del tutto acìò che in conformità possiate far il debito officio cum quella Maestà, et perhò conferitovi a lei, et presentateli esse lettere nostre, quali saranno a queste annexe li subiungerete, noi haver udito esse lettere sue cum quella reverente attentione che conoscemo esser debito nostro et notata la continentia sua, in risposta de le qual li direte che se ben nella rechiesta de sua Maestà per la summa importantia sua noi conoscemo dover haver necessariissimi rispetti ben conosciuti dalla prudentia sua, niente di meno havendo inteso che in quel mezo che ne furono presentate esse lettere regie et da poi alcuni de loro Doctori hanno consigliato et proferito il juditio suo in tal materia ne Siamo restati ben

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contenti. Et ne persuademo che de ciò quella ne remanerà satisfacta et considerarà li necessariissimi rispetti che conuenimo haver ben noti alla prudentia sua sì in ciò non habiamo facta maggior demonstratione, continuando in haverne per quelli observantissimi de sua Maestà, et quella invictissima corona, che sempre nativamente li siamo stati et voi in persuaderli quanto vi predicemo intenderete tutte le forcie del inzegno vostro, come a cosa da noi desideratissima dando adviso del successo alli Capi del Consiglio nostro di X. cum il qual vi scrivemo le presente.

—/— 23.

— 3.

— 2.

Number CXCI.

Reply of the Council of Ten to the King's Letter, referring him to the letter they had written to their ambassador for information as to their views about the divorce.

Die 4 Junii 1530.

Serenissimo Angliæ Regi.

Venetian
Archive,
Ibid.

LEGIMUS Regiæ Maiestatis vestræ literas nobis a Reverendo Casalio eius apud nos Oratore superioribus diebus redditas eo animi affecto quem antiqua nostra erga eam benivolentia ac observantia requirebat simulque ipsum oratorem audivimus qui fere ea quæ in ipsis literis continebantur suis verbis et facunde et prudenter nobis exposuit. Verum cum et ab Oratore nostro apud eam agente cui hac de re abunde scripsimus Maiestas vestra intellectura sit quod in eius causa actum sit quantum certe et præsentium temporum ratio postulat, ac res ipsa exigere videtur supervacaneum idcirco nobis visum est iis nostris quecumque aliud attingere nisi id quod summopere et cupimus et optamus, ut scilicet Regia Celsitudo vestra apud se statutum habeat, nos ejusdem nostris studiosissimis ac observandissimis esse ac perpetuo fore.

Lectum in cons. X. cum additione.

Number CXCII.

Holograph letter from Wotton to Fox, written at Orleans, June 29th, 1530, stating the opinions of two doctors on a fictitious case of matrimony resembling that of the King.

VENERABILIS Domine,

Record
Office.

De negotio quod mihi concredidisti, egi uti jusseras. Nam Domino Stellæ et Domino Brunello, quorum uterque celeberrimi nominis inter hujus scholæ professores habetur, illud commisi.

Quibus etsi per occupationes nondum tam justam operam illi impendere licuerit, ut quid de eâ re sentiant, hactenus scriptis explicare copiose potuerint; attamen verbo tenus quid sequuturi sint mihi indicârunt. Et Brunellus quidem ait se jure probaturum, suapte autoritate, Sybillam hoc casu a Fontaneo divertere posse, etsi fateatur viam ordinariam, videlicet autoritate Judicis ad divortium agendi et tutiorem esse, et faciliorem. Ceterum ubi propriâ autoritate diverterit, quod possit nubere alteri, vix videt quo pacto jure defendi possit. Si tamen de facto nupserit, validum erit, ut inquit, secundum matrimonium. Et tunc, si ordinarius aut Pontifex præcipiat Sybillæ ut ad maritum priorem revertatur, aut ne secundo adhæreat; licebit ei appellare aut ad Papam, si id præcipiat ordinarius, aut ad futurum concilium si a Papâ mandatum tale fiat. Sicque adhuc remanebit Sybilla apud posteriorem maritum, et quæ, si via ordinaria ageretur actrix esse cogeretur, hâc ratione reæ partibus fungetur. De probatione copulæ inter Fontaneum et Priscillam, cum impossibile sit ipsam copulam aliter quam per actus illi rei propinquos probari, sufficit probare illos ætate legitimâ uno in lecto sæpissime cubuisse. Et quamvis confessio viri, tendens ad dirimendum matrimonium, fidem facere non soleat; tamen cum huic aliæ quoque probationes adminiculentur, addit et ipsa aliquid virium probationi. Unum omisit Dominatio tua, de quo illi edoceri cupiunt, sitne famâ divulgatum, Fontaneum cum Pris-

cillâ coïsse, aut saltem concubuisse. Nam et plurimum adjumenti afferret fama probationi, quam famam duo testes probabunt, et excusatus a Fontaneo diverteret Sybilla, eo nomine quod scandalum quoque timeret, quum jam rumor dispersus esset, illum cum Priscillâ rem habuisse.

Stella vero quamvis vix audeat Sybillæ consulere ut propriâ authoritate, relicto priore viro, nubat alteri, si quo modo viâ ordinariâ justitia obtineri possit; si tamen revera nupserit, non dubitat quin posterius istud sit verum matrimonium. Et nunc si illi fiant aliqua mandata contra hoc secundum matrimonium; tuebitur se appellatione ad futurum concilium; quæ minimum discrepant ab responso Brunelli.

De probatione copulæ idem omnino sentiunt.

Hæc summa est eorum quæ verbo tenus mihi responderunt. Quæ omnia illi latius et longe instructius per ocium scriptis comprobabunt. Quæ si illi firmaverint, satis recte, ni fallor, Sybillæ consultum erit, et eo fere modo quo tu maxime optabas. Tuum vicissim erit ubi illi præstiterint quod cupiebas, id illis præstare quod cupiant; hoc est ut salario non vulgari illorum labores remunereris. Quod ege fore, tuo jussu, sum illis pollicitus. Ut ergo fidem tuamque meamque liberes, æquum est ut, intra paucos dies, aut mittas quod donatum illis voles, aut certiorum me facias a quo illud accepturus sim.

Atque utinam prædixisses mihi quantum illis promitti volebas. Fortassis enim aliquanto alacrius et laboriosius rem tractarent, si certo scirent præmium responsurum expectationi suæ. Vereor enim ne subdubitent me non posse re præstare quod illis satis magnificis verbis sum pollicitus. Sed in manu tuâ est ut illi brevi aliter sentiant; quod te pro tuâ æquitate facturum non dubito. Dedi huic tabellario, quo fidelius et certius has tibi redderet, testonum ut vulgo vocant, hoc est, 12 solidos Gallicos Valeat feliciter Dominatio tua.

Aureliæ, die festo Apostolorum Petri et Pauli.

Tuus

Nicolaus Wotton⁶¹.

⁶¹ This letter is complete with the exception of its seal. It is addressed as follows:—"To the right worshipfull Mr. Edward Foxe this be delivered. A Paris. A la rue de la Madeleine au lyon dor a Paris."

It has a subsequently written endorsement as follows:—"Doctor Wotton to Doctor Foxe, from Orleans. Opinion of some doctors there touching the king's case."

Number CXCIIL.

Holograph letter from Vannes to Wolsey, on private matters, incidentally giving an account of public affairs as they stood on the 1st of July, 1530.

REVERENDISSIME et observandissime mi Domine, post humillimam commendationem. Record
Office.

Quod vestra Reverendissima Dominatio ejusdam pluralitatis negocium pro magistro Wilhelmo Perpoynte suis nuper ad me literis tam ex animo commendavit, suam veterem humanitatem comprobare maluit quam quod se dignum foret, meminisse, quum debuisset mandato potius atque imperio quam commendatione ullâ, seu prece mecum agere; injuriamque mihi non levem inferri putabo, nisi me rebusque meis omnibus vestra Reverendissima Dominatio ex animi sui arbitrio posthac semper audentissime utatur, si quando me sibi aut suorum cuiquam usui esse posse putaverit.

De Perpoynti vero negocio, quum in manu meâ non sit illud posse præstare, ad amicum quendam meum ad urbem scripsi ut conetur quam minimo fieri queat sumptu illud expedire; nec recusabo etiam de meo aliquid addere quo Vestræ Reverendissimæ Dominationis amici desiderio satisfiat.

De rebus publicis addam aliqua non quod velim ut Reverendissima Dominatio vestra animum ad sacra bene compositum rursus hiis addicat, sed ut earum cognitione nonnihil oblectetur, et ego interim diutius cum Vestrâ Reverendissimâ Dominatione colloquar.

Regia Majestas optime valet, quæ una cum nobilissimis ac prudentissimis suis consultoribus multâ industriâ parique labore communi omnium laude res publicas moderatur.

Cancellarius Cæsaris in fata tandem abiit, quem, si ob publicam quietem cuiquam sit fas precari mortem, expedivisset multo antea mori. Andreas Doria Pyratas illos Barberossæ qui mare omne infestabant diu insequutus, magnam et opimam prædam reportavit; integram nunc victoriam prosequitur.

De rebus Turcicis nihil certi affertur; verum conjicitur non eos apparatus in promptu illi esse, quos velox fama nunciârat.

Superest nunc ut Reverendissima Dominatio Vestra in optimo isto suo, vivendi Deo, instituto perstet, nec publicarum rerum cogitatione torqueatur, ut pote quæ (velim mihi credat) hunc solum modum sibi relictum habeat et animum Regis, nobiliumque pectora emolliendi, conservandique. Et bene valeat Reverendissima Dominatio Vestra, cui me etiam atque etiam humillime commendo.

Londini die primo Julii M. D. XXX.

Florentini civitatem adhuc tuentur quamvis multâ rerum omnium penuriâ laborent.

Ejusdem Vestræ Reverendissimæ Dominationis

Humillimus servus,

Petrus Vannes.

Number CXCIV.

Original letter from Reginald Pole to the King, sent by Foxe from Paris after the seal was affixed to the determination of the divines of the University of Paris, July 7, 1530.

PLEASETH it your highness to be advertised, that the determination and conclusion of the divines in this University in your great matter achevyd and dyvysed according to your desired purpose upon Saturday last past, the sealing of the same hath been protracte unto this day; nor never could be obtained afore, for any soliciting of our parte that were your agents here, which never ceased to labor all that lay in us for the expedition of it, both with the primeyr president, and with all such as we thought might in any part further or aid us therein. But what difficulties and stops hath been to let the obtaining of the seal of the University, notwithstanding the conclusion and determination passed and agreed unto by the more part of the faculty afore, by the reason of such opposition as the adversary part hath made, senythe the time the conclusion was finished, and divers other ways excogitate by them to embecyll the hole determination, that it should not take effect, nor go forth in that same form as it was concluded, it may please your grace to be advertised of this bearer, Mr. Fox, who with his prudence, diligence, and great exercise in the cause hath most holpe to resist all these crafts and inventions of the adversaries, and to bring it to that point as your most desired purpose hath been to have it, and most according to the hope that I had of him at the beginning and first breaking of the matter amongst the faculty here; when I, somewhat fearing and forseeing such contentions, altercations, and empeschments as by most lykelode might ensue, did give your grace advertisement how necessary I thought it was of Mr. Fox's presence. And whereas I was informed first by Mr. Lupsett and afterward by Mr. Fox, how it standeth with your grace's pleasure, considering my fervent desire therein

Record
Office.

that, your matter once achieved and brought to a final conclusion in this University, I should repair to your presence, your grace could not grant me at this time a petition more comfortable unto me. And so, making what convenient speed I may, my trust is shortly to wait upon your highness. Thus Jesu preserve your most noble grace to his pleasure, and your most comfort and honor. Written at Parys the 7th day of July⁶².

By your grace's most humble and faithful servant,

RAYNOLD POLE.

Endorsed,—

Reginald Pole to the King's Majesty.

And again,—

To the King's Highness from Mr. Raynold Pole.

⁶² There is in the Record Office a copy of a letter from Francis to the President of the University of Paris, blaming the conduct of Beda in the Assembly of Theologians, dated June 17, 1530.

Number CXCv.

Motion made for a reply to the English ambassadors, lost by a majority of five, July 20, 1530.

Die 20 Julii 1530 in Cons^o X cum additione.

Quod Reverendis D. Electo Londinensi, Oratori Casalio et D. Ricardo Croco, Oratoribus Serenissimi Angliæ Regis respondemus his verbis.

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crete, Cons^o
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REVERENDI Domini Oratores.

Per lettere del Serenissimo Re Suo resene per vostra Reverenda Signor Monsignor de Londra et da noi udite cum quella reverentia che se ne conviene et parimente per la expositione che da poi ambe vostre Signorie ne fecero, attentamente da noi udita, Et presertim quella de voi Reverendo Monsignor de Londra, per la qual certo ne siamo molto confirmati de la fama prima da noi intesa de la singular Doctrina et prudentia sua, habiamo da novo inteso quanto quella Maestà desidera che de quì si faci nella causa del suo matrimonio. Prima che altramente a tal propositione noi rispondiamo ne par de attestar a vostre Signorie per cosa certissima et pregarle medesimamente che le facino intender a sua Maestà la disposition del animo nostro esser tanto prompta et inclinata in far cosa grata a quella in tutte cose che per noi far se possono quanto più cum parole dir et exprimer si possi, al che ne inducemo non solum dal Reverente affecto et observantia noi havemo a sua Maestà Conoscendo da quella esser sta sempre et esser redamati, ma etiam per hereditaria successione essendo sempre sta cum quella potentissima corona, et presertim tra il quom^m. Serenissimo Re padre suo et Signoria nostra una mutua et reciproca benivolentia et corresponsione in officii che certo non sapemo da qual Principe Christiano, la Signoria nostra sij sta più firma et continuatamente amata cha de sua Maestà, del che è facto che non degenerando il suo Serenissimo Re come el fa

in tutte altre cose dal Serenissimo quom^m. Padre suo, non dubitamo etiam in questo vorà imitar sua Maestà, continuando come lha fin hora facto in amarne come observantissimi che siamo de sua Maestà, et anchor che ne persuademo che sua Maestà prudentissima et sapientissima prevedi et consideri li rispetti che necessariamente convenimo haver nella causa sua niente di meno affermamo a vostre signorie che non obstanti essi rispetti nostri ne sentissemo non picol a piacer quando intendessemo molti de li doctori, de le cità nostre et per inanci et ultimamente haver come hanno proferito il juditio suo in essa causa conoscendo chel fusse successo quello che desideravamo senza Carrico nostro appresso alcuno, Ben non potemo non maravigliarsi chel sij stato ditto, che per noi sij sta devodato, ad essi Doctori, il consigliar ad essa causa, il che è remotissimo dal vero non havendo noi prohibita tal cosa ne essendo per prohibirla. Imperhocchè quando noi havessamo voluto farlo, E da credere, che noi lo havessamo facto general et non particular ne havessamo permesso che alcuno di loro havesse manchato da la debita obedientia che deve prestarne, ne si havessero in tal causa altramente impedito come li predicemo saper che molti hano facto et certo cum nostra satisfactione, ma forse potria esser et è cosa verisimile che molti de essi Doctori, per le dependentie che hanno cum li Principi si Ecclesiastici come secolari per la patria loro, et altri rispetti loro considerati dalla sapientia de vostre Signorie per excusar il suo non voler consagliar ad essa causa dubitandosi de non offender chi in quella vi interviene, hanno excogitata tal cosa et finito quello che da Vostre Signorie ne è detto, il che come li predicemo è falso et alieno dalla verità; Et perchè Vostre Signorie ne ricerchano facciamo intender alli preditti doctori noi esser contenti ne prohibir che consiglino la verità in questa causa li dicemo che come altre volte habiamo ditto a voi Reverendo mounsignor Casal, tanto saria explicar a questo modo la intention nostra ad essi Doctori quanto tacitamente innuirli ad consagliar favorabilmente ad essa causa, nel che quanto respecto convenimo haver lassamo il considerarlo alla prudentia loro et perhò da novo ricerchamo V^o S^o et le pregamo ad far intender il tutto a quella Regia Maestà attestandoli la constantissima bona volontà nostra verso quella, et che per noi non si è manchato da quel officio che devemo nella preditta causa

sua et che habiamo possuto far salva perhò la aperta offensione de quelli che in essa causa hanno interesse, al che pensamo sua Regia Maestà piena de justitia et bontà ne ricercaria et non dubitamo che apresso loffitio che Vostre Signorie per sua bontà farano cum quella Regia Maestà, havendo noi iniuncto al Orator nostro de li che faci lo istesso: Essa Maestà si acquietarà, et admetterà tal nostra risposta, continuando in haverne per quelli observantissimi che sempre siamo stati et siamo per esser de la Regia Maestà sua.

———— 10.

——/—— 15.

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Number CXCVI.

Letter from the Council of Ten to the King, acknowledging his letter of June 28, and expressing regret that he is not satisfied with their decision.

Venetian
Archives.
Ibid.

1530 die 20 Julii in Cons^o X cum additione.
Serenissimo Angliæ Regi.

REDDIDERUNT nobis nudiùs quartus Regiæ celsitudinis vestræ litteras 4 Calendas Julii datas, Reverendi Electus Londinensis ac Protonotarius Casalius eius apud nos orator Dominusque Ricardus Crocus eius familiaris. Qui simulatque eas ut nostri moris est, reverenter audissemus, quod Maiestas vestra in suo negotio fieri desideret oratione non minus docta quam copiosa nobis exposuerunt. Nos vero et si antea Maiestati vestræ scripsimus oratorique istic nostro per litteras mandavimus ut eidem quod nos et Merito quod moveri debeat, quo minus in eius petitione apertius satisfacere possemus nostro nomine explicaret Putabamusque Maiestatem vestram pro summa sua sapientia ac erga nos multis inditiis explorato amore facillime acquieturam. Tamen cum intelligamus responsum nostrum a Maiestate vestra minus probatum fuisse non potuimus certe ob id aliquantulum non commoveri, ac præter ea: quæ Maiestas vestra ex nostris pridem ad eam scriptis literis intellexit has nostras denuo addere. Quibus eam ex intimo animi nostri affectu omnique reverentia precamur dignetur rerum nostrarum ac presentium temporum rationem agnoscere, ac quod a nobis hæc in re fieri possit summa sua sapientia considerare. Nam quod ad negotium hoc eidem (ut par esset) explicandum attinet. Eo minus in hoc laborandum Duximus, quod omnia ex oratore etiam istic nostro Maiestas vestra et planius et copiosius cognoscet: quæ nos in obsequentissimorum amicorum numero collocare non gravabitur qui eam quam a majoribus nostris hæreditario quodam jure testatam accepimus erga Maiestatem vestram benevolentiam et observantiam perpetuo ac constantissime simus conservaturi.

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— 1.
— 1.

Number CXCVII.

Letter from the Council of Ten to their ambassador, explaining the reasons of their inability to accede to the King's request, or allow the Doctors of Padua to counsel in the case of the divorce.

*Die 20 Julii 1530 in Cons^o X cum additione.
Oratori nostro in Anglia.*

Venetian
Archives,
Ibid.

VE NE ultimamente alla presentia nostra il Reverendo Electo de Londra insieme cum il Reverendo Casal orator di questa Maiestà et D. Ricardo Croco suo familiar et ne resero letere di quella de 28 del preterito, per le qual et per la non men docta che copiosa exposition che ne fece esso Reverendo di Londra, habiamo compreso l'animo di questa Maestà esser alquanto alterato per non haver voluto noi publice ordinar che li Doctori de la Cità nostra de Padua et altre Cità nostre consiglino alla causa de sua Maiestà per il che certo ne siamo non poco commossi desiderando come facemo ogni sedation et satisfaction del animo de quella de le operation nostre: Unde ne è parso cum il Consiglio nostro di X et Zonta responder ad esse lettere Regie nella forma che per lo quì incluso exemplo vederete qual lettere mandamovi a queste annexe commettendovi che appresentar quelle debbiате cum opportunità a sua Regia Maiestà sforciandovi cum ogni vostro studio et industria possibile di lassarla ben persuasa et certa de loptima disposition del animo nostro verso lei, subiungendoli che se non siamo proceduti più ultra nella ditta causa sua come la desiderava, È stato per non lo posser far salva et illesa la amicitia che habiamo cum li Principi che in essa causa hanno interesse il che vi forcierete de ben imprimerli usando quella forma de parole che più efficace et affectuosamente potrete. Et perchè li prefati oratori dimonstrano che sua Maiestà se degli che non habiamo assentito a quanto ne hanno in nome suo ricerchato cioè che noi fassamo intender alli doctori de la cità nostra che non li proibivemo il posser consigliar alla causa sua, perhò quando etiam da poi che li havete facta la

sopraditta expositione conoscessi sua Maiestà resentirsi de questo, li direte che tanto saria usar questo offitio come ne hanno ricercato essi oratori, quanto se prima noi havessamo commandà et dato ordine ad essi Doctori di consigliar in favor de sua Maiestà. Il che non patiscono che per noi si faci li necessarij rispetti: quali meritamente devemo haver in tal causa ben conosciuti dalla Prudentia de sua Maiestà senza altra nostra espressione: Dalla qual quanto in risposta de ciò haverete, darete adviso alli Capi del Consiglio nostro di X.

Non anchora expedite le presente ne sono sopravvenute le vostre de 26 et 29 indriciate alli Capi del Consiglio nostro di X. nella materia soprascripta, alle qual non faremo altra risposta essendo il tutto in conformità de quanto sua Maiestà per sue lettere ne ha scripto solum laudaremo la action vostra in ciò nelle qual continnuerete.

_____ 25.	replicatæ
_____ 1.	factæ fuerunt literæ die
_____ 1.	27. ultrascriptæ.

Number CXCVIII.

*Copy of Croke's letter to the King, from Venice, July 28,
made by himself, defending himself from the charge of
having hindered the cause.*

IN most humble wise I beseech your highness to be [good Vitell.
and] gracious lord unto me, and to vouchsafe to be[lieve] that ^{B xiii.} that
there was never break in word or countenance be[tween] ^{fol. 95.}
me and any your ambassadors here. Nor that I never ga[ve]
or took displeasure at anything that by any of them was
[done], unless it were prejudicial, with manifest proof of
perfidy, unto your highness' most honourable causes, as your
said hig[hness], by divers letters as well of the trespassor's
own hand as o[f] other men's hands, sent with my letters unto
your most [royal] grace, may, and doth, right well perceive
by this time, if other the said letters be come unto your
highness' most [royal and] gracious ears, or the true and whole
report of the tenor of the same. Notwithstanding the which
my knowledge of all [these] things, yet I made never any
signification unto the tr[espassadors] that I had any knowledge
thereof. But secretly ascertained your highness of all things,
according to my most bounden du[ty], with full esperance,
and hope to find remedy for the said m[ischief] at your most
gracious hands, in whose most royal power o[nly] rested the
remedy of the same. But, forasmuch as your [grace], notwith-
standing my manifest proofs by witness and writing, [as] above
rehearsed, imputeth all my advertisements in tha[t matter]
to my froward manners, grutche, and envy; and, forasmuch
[as your] highness judgeth, as by your most dreadful letters
unto me [written], your most poor and wretched, yet as true
and faithful [servant to] your highness in this cause as any that
ye have, doth [think] the success of your most honourable cause
here by my s[ini]ster and froward affections greatly to have
been hindered, [and] therefore commandeth me, by your said
letters, to impute t[o none] the letts and impediments of your
said causes, nor yet wo[uld] I should ascertain your highness
by whose diligence, labours, a[nd] travail your said causes be

here preferred, I wot not h[ow] to remedy such mischiefs as daily increaseth here a[mongst] your highness' favourers, nor to avoid such impediments [as] by craft are imagined, to the hindrance of your mo[st] honourable cause by them whom affectionate report unto [your grace] avoucheth to be unto your highness singular, faithful, [and] profitable. Nor yet how to comfort them the which . . . of your said cause are here in mar . . .
 for your highness' causes hath been secret . . .
 amongst the senator . . .
 licence . . .

fol. 95 b.

their mind according to conscience or learning. And further refuseth secretly to advertise them whom they openly have dishorted and put in fear, that they will be indifferent. Nor the said senate would not secretly give unto your highness' ambassadors *fidem publicam* not to hurt them, the which other had, or in time to come would, write in your highness' favour. Albeit that my lord of London offered them faith, that we should never disclose their said promise to any man. Nor my said lord could in no wise induce them by any mean to promise to grant the said request unto your highness by their letters. So that here, most gracious lord, is no manner of hope of any further proferment of your said cause. And, as touching the good hope of the brief made unto your highness by Sir Gregory, my lord of Worcestre, as it appeareth by his letters, only doubteth not but despaireth of the same; and Mr. Cranmer, sovereign lord, writeth thus to me of the success of your causes at Rhome.

Verba Cranmeri.

As for our successions, here be very little, for we dare not attempt to know no man's mind because of the Pope. Ne, he is not content with that that ye have done there; for he saith that no friars shall discuss his power.

Et iterum.

As for any favour to be had in this court, I look for none, but to have the Pope with all his cardinals extremely against us. 12. Julii.

At the which day Mr. Gregorye's letter to his brother was written,—that if the brief be gotten, whereof by his last letters he pretendeth so sure hope, I doubt not but by this time it is in your highness' hands. Albeit, that for the announcement of your most honorable cause, it had been much more necessary to have sent the same hither. I pray God that this interchangeable sending of each others letters unto your highness be not only to preoccupate your most gracious favour, without any proferment of your said cause. In consideration whereof, in most humble wise I beseech your highness to be good lord unto your own causes, and to help and succour my good endeavours, the which, with all faith and diligence, proscuteth the same to no little jeopardy of my poor body, considering that your ambassador is at length ascertained . . . things that I have written unto your highness, as appeareth . . . ain expostulations with me for every one of the said things. . . I have laid out in your causes above . . . I sent with my

The which letters albeit your highness advertised me fol. 96. with all ot[her] to have come to your most gracious hands, yet Mr. [Tuke] renyeth to have received my said account; and the mo[nies] by me laid out pretendeth to rest in my hands, and so affirmeth that I have, according to your most gracious pleasure, provision for 4 months aforehand. Wherein, indeed, I have not provision for one day, and further am be[hind], notwithstanding that the 13 day of July he sent unto me a bill of exchange for 2 hundred ducats *de largo*. The emperor's ambassador maketh so importune and extreme labour against your highness, and men universally are so put in fear, what by the pope, what by the emperor, that your cause never needed more money. And thus I beseech Jesu to preserve your most royal estate.

At Venice, the 28 of July.

Number CXCIX.

Letter from the Council of Ten to their ambassador in England, describing the discontent expressed by the English ambassadors, and especially the threatening language of Stokesley.

Venetian
Archives,
Parti Se-
crete, Cons^a
X. Filza
No. 3.

*Die 30 Julii 1530 in Cons^a X cum additione.
Oratori nostro in Anglia.*

PER le alligate vi dinotamo la deliberation del consiglio nostro di X. et Zonta facta in risposta della propositione de li Oratori Anglici in materia del divortio, per questa veramente par cum il prefato Consiglio vi dicemo che havendo noi facte legger alli preditti oratori le lettere che noi scrivemo a sua Maiestà et quanto a voi commettemo che in tal proposito exige debbiate cum quella. Essi oratori dimonstrerano non contentarsi de essa nostra deliberatione, et ritornati da poi ben doe fiате alla presentia nostra cum grande instantia ne dimandorono ad esser contenti di satisfar alla loro petitione et saltem in quella parte de far intendar alli doctori de le città nostre, che consigliando loro alla causa de sua Maiestà non incorreranno in alcuna indignation nostra: al che non ne essendo parso de assentir per li rispetti compresi nelle alligate nostre. Il Reverendo di Londra usò parole molto alterate incaricando la Signoria nostra cum subiunger chel scriverea il tutto a quella Maiestà et non dubitava che quella faria tal demonstratione che la Signoria nostra conosceria quanto a sua Maiestà fusse despiaciuto il non haverli satisfacto, prorumpendo in alcune parole lontanissime per quanto ne persuadiamo dalla bona desposition del animo di quella verso noi et cose nostre: alle qual parole, noi respondesemo cum ogni nostra modestia come conoscemo recerchar la observantia nostra verso quella Maiestà et essendo come suol accader la fama de tal parole di esso Reverendo de Londra divulgata et presertim tra li mercadanti nostri che hanno dissegnato mandar merze sopra le galie nostre destinate a quel viaggio,

intendemo stano molto dubbii et perplexi de arisegar il suo per si longo tracto non in tuto securi di esser amichevolmente de li veduti et tractati perhò: Se ben de la antiqua et continuata benivolentia di questa Maestà verso la nation et cose nostre. Noi puncto non dubitiamo. Niente di meno conoscendo noi la natura di essi mercadanti timorosa in exponer il suo cum dubietà di esser ben tractati habiamo deliberato di adiungervi le presente commettendovi che conferitovi alla presentia de questa Maestà poi chè li harete promesso quanto vi predicemo cum quella accommodata et efficace forma di Parole che per vostra prudentia conoscerete esser expediente, subiunger li debbiate, che giudicamo non saria salvo che bono per sincerir l' animo di essi mercadanti nostri et renderli più prompti ad exponer il suo per quel viaggio che sua Maestà ne scrivesse sue lettere benigne et amorevole per li qual essi mercadanti nostri fusseno tanto più certi del bono animo et disposition de essa Maestà verso noi et cose nostre: et havrete esse lettere duplicate ne le mandarete et per via de Fiandra et per Franza quanto più celeremente potrete: usando in ciò del solito studio et diligentia vostra.

Et ex nunc sij preso che le lettere scripte nella presente materia de divortio moderato in quella parte che parerà al collegio nostro sij publicata al consiglio nostro de Predagi.

—/— 27.

— 1.

— 2.

Number CC.

Summary, in Croke's hand, of the charges he had to bring against Sir Gregory Cassali and his brother John; probably of July or August, 1530.

Record
Office.

Articles against Sir Gregory Cassalis and his brother, which shall be perceived partly with their own letters, partly with the letters of divers other men of good and substantial credence.

Imprimis, Whereas the king's case was proposed *tacitis nominibus* by Franciscus Crucinus unto the most excellent doctors of Myllayne, and they all had concluded and promised to write in defence, favour, and confirmation of the same; Sir Gregory Cassalis, advertised by the bishop of Worcestre of the great success of the king's cause in Myllayne, opened unto certain noblemen longing unto the duke of Myllayne that the case pertained unto the king of Englande, in such wise that they all were afraid any further to intermeddle in the same.

Item, The said Sir Gregory delivered unto a black friar, called Vincentius de Cremona, which friar caused the determination of Ferrare to be taken from me, an abstract of all the arguments and counsels made in confirmation of the king's causes, as it appeareth, to solicit men to write against the same.

Item, After that the determination of Ferrare was taken from me, Paulus Cassalis came in his brother's name to Ferrare, and promised the duke's factor there that he would, by his good labour, bring to pass that the king should take no displeasure with the duke of Ferrare for that matter.

Also, Jhon de Cassalis, at my first coming to Venice, delivered unto me a false index of Saint Mark's library, because that I should not search there for Basilius' epistle.

Item, The said Jhon exhorted Simonetus, Ordinary in Divinity at Padua, to suppress the subscriptions, gotten by the said Simonetus, of divers doctors and well-learned men;

and so writ unto my lord of London that he could nothing farther the king's cause, forasmuch as the same had been evil handled and divulged unto so many. And herein he desired Symonetus, in his letters to my lord of London, to take him for witness.

Item, The said Jhon, to divulge the said cause, and put men in fear to say their minds in the same, caused the king's case, in the king's name, to be printed, and sent them abroad into Lombardy.

Item, The said Jhon, at divers and sundry time, brought unto my lord of London and me divers the king's enemies, pretending that they were the king's sure friends, and such as after wrote against the king very odiously slanderously.

Endorsed,—

Articles objected against Gregory Cassalis⁶³.

⁶³ There is another copy of this document in the Record Office in which there is another *Item* which appears between the first and second, as follows:—*Item*, The said Sir Gregory delivered the king's

book made and written in Eng-
lande in defence of his most hon-
ourable cause to divers the king's
enemies which wrote against the
same.

Number CCI.

Copy of Croke's letter to the King, giving an account of what had happened at their interview with the Council of Ten, on and subsequently to the 30th of July; written from Venice, August 5, 1530.

Vitell. B.
xiii. fol.
56 b.

PLEASE it your highness to be advertised that the 30th day of July your ambassadors returned unto the senate for a full and determinate answer unto your most honorable letters, and that my lord of London at his first coming propounded unto them the said cause of his return, desiring them to know whether they had fully delivered with themselves to alter such letters as they had generally, without any direct answer, made unto your most honorable requests and caused to be read unto us the Wednesday immediately before. Unto the which demand of my lord answered the duke's deputy very gently, saying that they would do all the pleasure that they could and might unto your highness. But as touching this case, they for respect of princes desired that they might not intermeddle, and said they would be neutrals. Unto the which answer my lord replied that that was no direct answer unto your most honorable letters, nor to the requests contained in the same, and reasoned with them that if their neutrality should be occasion that their subjects should give opinion according to learning and conscience, that this neutrality should be much prejudicial to your most right and just cause, whom no good nor learned man hearing of could not nor would, of his learning and conscience, but favor, approve, and maintain, if he had liberty to speak. Whereupon my said lord instantly desired them to answer directly unto your highness his requests, either there by mouth unto us, or unto your said highness by their letters, plainly expressing whether they would grant the said licence unto their subjects or deny the same. And these were my lord's words in effect:—*Oro ut respondeant dominationes vestrae, utrum permissuri sitis*

subditis vestris bonâ venia vestrâ consulere nobis quid hâc in causâ sentiant necne. Si citra offensam vestram licebit ipsis ex conscientia sua et eruditione nobis consulere, affirmate. Secus, negate.

To these words of my lord answered Aloysius Mocenicus, that my said lord passed his commission. And without he had any other commission than that the which he had at the presenting of your most honorable letters, that it became my said lord to be content with that answer that they had devised; and that it was enough for him to deliver your highness' letters to them; and that [your] highness desired no such answer of them as my said lord desired [them to give]. And Aloysius Mocenicus, besides many other checks and inquiries [made unto my sai]d lord, avartyd himself to have known what belonged to [the instructions of my] lord and that he had been ambassador to Against the which letters my said lord made instance, by[cause] they promised fol. 97. nothing certain unto your highness wherefore they might by their promise at the last be bound. And Aloisius Moe[nicus] opprobriously desired my lord to answer him *Laconice* to this demand,—

Si, quod abominamur, Cesar ob hoc moveret bellum contra Regem Angliæ et alter ipsorum scriberet ad Nos,—Nolumus pecuniam vestram. Sed rogamus ut nostrâ pecunia juvetis nos militibus vestris, quid faceremus? diceremus militibus nostris eatis? Unto the which demand my said lord answered that this was *diversa ratio* from our case, *qui non viribus et gladio sed æquitate esset definiendus, et propterea impium esse et parum Christianum si quis in casu nostro prohiberet suos (qui id æquitatis adminiculo possent) tollere controversiam.* And further the said lord said that our request was not *ut dicerent suis, eatis et consulatis sed ut permitterent tantum aut ad omnia conniverent saltim.* To the which answer *obmutuerunt*, but that Mocenicus answered that your highness, which was superior to my lord, would be content with their answer, and said that he knew that well, and ever repeated that he was surely certain thereof, and thereupon he concluded that it became my lord well to be content with such answer as pleased them to make, seeing that your highness, as he said, surely would be content with the same.

Unto whose so sure assurance, most gracious lord, I was so bold to take upon me to answer, and said that I was sure that that answer the which they had made was nother sufficient nor yet directly unto the request of your most honorable letters, containing these words, *Id si (quod non credimus) ab excellentiâ vestrâ nequeamus obtinere, multo gratiosius nobis erit si libere citoque negav[eritis], ne vanâ spe diutius protrahamur, etc.* By the which words I conceiv[ed] that it manifestly appeared that your highness desired of th[em] in this cause other a plain nay or a plain yea, as my said lord afore had required, not passing therein the compass of his commission as the said Mocenicus, without cause, had laid unto my said lord's charge. And as to that, that they, to avoid the making of any prom[ises] other unto your highness by their letters or unto your ambassadors [by] mouth, alleged that they had touched everything more expressly in their letters to their orator, I answered that whatsoever they wrote to their orator, that it could be [no] security to your highness, nor discharge for your ambassadors, forasmuch as, that notwithstanding, they, mi[ght] at their own] pleasure go from all the premisses of . . . assured that . . . should justly be made against them that their orator would not exhibit their said letters unto him, nor durst not against them.

Upon the which answer they desired us to admit the letters that was devised and before us then read; the which my lord refused to do, saying that he could not admit the same, unless he should shew himself so foolish that he would admit an answer nothing to effect of your most royal request. And therewith the said lord stood up and desired them, in case they would not expressly comprise in their letters unto your highness the answer that he required, that at the least they would vouchsafe there unto him make a sufficient and direct answer. And when he could get nothing of them but *Volumus esse neutrales* and *Responsum est*, and saw that they ever made more cavillations and more, then my said lord desired them expressly to answer unto him by one of these three ways, *Volumus concedere*, *Nolumus concedere*, or *Nolumus respondere*, at the which words *obmutuerunt omnes*, except Mocenicus; the which said that such answers ought to be made in scholys and not in

senate, and we could get nothing of them expressly but *Volumus esse neutrales*, and *Responsum est*; whereupon we departed out of the senate, shewing that neither we could, nor that your highness would be content with such answer. And, that notwithstanding, they trusting verily that your highness would be content with that their loose answer, immediately, as we are advertised, despatched a curriar into Englonde with the same and their excuse for the same. The which things by your highness considered and pondered, whatsoever it shall please your said highness to command me, I am and ever shall be ready to the uttermost of my [sma]ll power, with all faith and diligence, without any [grutch] to perform and put in execution

durst not publish themselves) by other men published without fol. 98.
 danger unto themselves. Now their mind was, gracious lord, that all their su[bjects] should know that they would that none of their said subjects [should] intromit themselves in the favour of your highness' cause, and this was why they opened their answer in *concilio Rogatorum*, wherein be assembled above three hundred persons, so that a tale there told cannot but forth[with go] throughout their whole dominion, and to make open to all the world that th[ey] denied your grace's desire and request. Immediately after the said councie[1], they for a time restrained their galleys that then already were set forth to depart this month into Englande and Flaundres. So that where in words they pretended neutrality, by this deed they have more slandered an[d hin]dered your highness' desire, than if they had given an open prohibition farthe som ever they have handled your highness' matter in the said council th[ere went] immediately about Venice, after the said council, a constant rumor and noise that your high [pleasure] was, that the segnorye should command the college of lawyers in Pa[dua] to determine in the favour of your most honorable cause. But for to my lord of London again, the which because he could get no answer of the senate himself but *responsum est* and *volumus esse* [*neutrales*]; at his last departing out of the said senate the same day, that is [to say] on Saturday the 30 day of July, the said lord devised with your [ambassador] that he and I with him as of his self should the morrow after resort

[early unto] the senate, to obtain of them some exposition of their neutrality to the which appointment I was ready to give attendance upon your sa[id ambassador], but he would not go. Then my lord and he agreed that he and I with [him should] go to the senate upon Monday. I was ready to give attendance, but h[e made] an excuse and would not go. Upon Tuesday, early in the morning, much more earlier than he was accustomed to do, without my kno[wledge], he in all haste g[ot entrance] unto the senate, who albeit I followed immediately, yet was he with in that I can nor I could not get entrance into the utter chamber, from [which] no man is lightly excluded, nor I never was excluded afore. And when [after], from the senate he recited unto my lord of London and me many and comfortable words spoken in the favour of your highness' said cause [by the] senate unto him, and such as we had of them never none like sp to us afore, nor yet could perceive to have any colour of truth, sy for in effect now plainly the contrary is evident. But the [truth] of these things and many more I remit to the report of my [letters]. Now to ascertain your highness (as my faith bindeth me) of the [evil] intent of your secret enemies. The bishop Theatinus is highness as I described him unto the same in mine Venice, that is to say, under the pretense of that your highness hath your highness then shameth not to glory that he was desired by your said highness to subscribe or write in the favour of your said cause. And not content herewith, exhorteth every man to beware how they intermeddle themselves in the cause, with such words as these, *Qui se intromiserint in hâc causâ maxime si pro rege senserint vereor ut ipsos nimis sero pœnituerit.* But for all this he desireth them with whom he thus fondly talketh, to keep counsel, and saith that he will not be known to be of the contrary part, but to be indifferent. And all this cometh of a little ambition, the which putteth him in hope (as I am, by very honest men and such as inwardly knoweth his mind, informed) that (if he flatter the emperor and pope well) that he shall for his holiness be one of them to whom the matter shall be committed by the pope. But, thanked be

God, your matter was so purposed unto him that he cannot (but to his own reproach) slander other your highness' intent or our handling of your said most honorable cause, for it was shewed unto him that your highness required him of his mind, opinion, and sentence in your case according to learning and conscience, without any respect of favour unto your most royal person, or pleasure of the same, and that as he would answer at the dreadful day of judgment. And he was ensured that your highness would take as thankfully that he should determine utterly against your said highness as with the same, if his learning and conscience would let him so to do; wherefore, in conclusion, I exacted of him as he would answer, *in tremendi Dei judicio ut curaret id solum respondere quod putaret esse æquum et rectum in oculis Domini*. At the which time, most gracious lord, his fayned holiness did answer me as I have written unto your highness in sundry my letters afore this time. And as for my part, I assure your noble grace that I never purposed your case to any man, *neque cum proponerem illum privato meo nomine neque cum publico Majestatis vestræ*, in other form and fashion, or with other preface; certain in my poor opinion that (if they that maintained the contrary would come to reason or authority) that they should never be able evenly to match any man that with a mean wit had any sight in learning, for the which consideration I never did nor could find in my heart to entreat any man to favour this your cause, nor yet give or promise them anything till after that they had other written or subscribed, or of their own costs, without any desire of me, sent messengers abroad into the country, at their own costs (as they say), to cause other men in confirmation and corroboration of their conceived opinion in this behalf to subscribe what I have laid out in your most honorable causes here it most gracious lord by my account sent with my letters sonyde in my lord of London's packet. The me with them it hath most honorable letters that your highness hath received. And fol. 99. yet Master Tuke demandeth of me my said account, and for lack (as he pretendeth) of the same accounteth the [money] that I have laid out in your most high causes to re[st] still in

my hands, and as in full compensation of my diets for 4 months hath made me over at this time by bancke no more b[ut] two hundred ducats *de largo*, so that I have been fain with great [pain] to borrow or beg or left your service undone. In most humble wise, therefore, I beseech your highness to remember my poverty, the which having nothing of myself to bear out these charges, but of necessity am driven wholly to hang upon your most royal libe[rality]. Beseeching Almighty God long and prosperously to continue your highness.

At Venice, the 5 day of August.

Number CCII.

*Holograph letter from Hannibal Grisomus to the King,
offering his services unreservedly. August 22, 1530.*

CLEMENTISSIME atque Invictissime Rex. Efflagitârunt
 quotidiana instantiâ Reverendissimus Dominus meus, Dominus
 Episcopus Londoniensis, undecunque clarissimus et quam orna-
 tissimus vir Dominus Ricardus Crocus, tuæ mentis fidissimi
 interpretes, ut causæ illi tuæ justissimæ operam navarem. Ego
 vero, etsi multa essent quæ me ab eo munere suscipiendo detra-
 herent, quippe qui me intelligerem non mediocre periculum
 propterea subiturum, cum tamen nihil magis cuperem quam
 tanti Principis voluntati æquissimæ satisfacere, motus non tam
 eorum precibus licet instantissimis quam singularum virtutum
 tuarum fulgore, eorundem votis condescendi. Scieram quippe
 Celsitudinem tuam, præter ceteras excellentes animi dotes,
 summâ clementiâ, eximiâ religione pollere, cum iisque erudi-
 tionem exactissimam conjunxisse, quibus suffultus nedum rectæ
 fidei te sectatorem, sed etiam propugnatorem acerrimum uni-
 verso terrarum orbi præstitisti, cui rei absolutissima opera tua
 pro orthodoxâ religione contra Luterum edita, quæ litteratissimi
 viri et suspiciunt et admirantur, quæque vel sola Regium nomen
 tuum Immortalitati commendant, locupletissimum perhibent
 testimonium. Quo fit ut magis exornes Regiam istam digni-
 tatem quam ab illâ orneris. Quanquam autem satis com-
 pertum haberem nihil ad istum serenissimum conspectum tuum
 quod non esset perfectum ingenio, et elaboratum industriâ,
 afferri oportere, cuius generis non esse scripta mea plane intel-
 ligo, tamen solatur me Plinianum illud *farre atque molâ salsâ
 litant qui non habent thura*, et ut ait Divus Hieronymus, in
 templo Dei offert unusquisque quod potest. Fecissem equidem
 longe plura, prout et optabam et studebam efficere, quo causæ
 tuæ veritas et justitia clarius innotesceret, perfecissemque, ni
 quædam impedimenta fuissent, quæ malo te ex gravissimis
 oratoribus tuis cognoscere. Illud tantum dixerim, complures

Record
Office.

ex nostris metu perterritos non audere, nec scriptis quod sentiunt committere, nec ab aliis pro veritate scripta comprobare. Ego, omni metu devicto, et quod sentio scripsi, et scripta mea qualiacunque ad Majestatis tuæ conspectum perferenda eisdem oratoribus tradidi. Malui enim meas et fortunas et commoda et vitam denique ipsam periculo objicere, quam tantæ eruditioni, quam justissimæ causæ, quam veritati ipsi, quoad per me præstari posset, decesse. Obsecro autem tuam Celsitudinem ut ea quam secretissime penes se teneat, nec alias, quam cum res ipsa exegerit, pandat. Velimque, Rex Munificentissime, ita tibi persuadeas, me jam tui studiosissimum effectum, tuis optimis consiliis, amplitudini, gloriæ, nullo unquam nec loco nec tempore defuturum. Vale Regium Decus et ornamentum, et me commendatum habe.

Venetiis, die 22 Augusti M.D.XXX.

Ejusdem Serenissimæ Majestatis Tuæ

Vile mancipium

Annibal Grisomus

Juris utriusque Doctor

Canonicus ———

Invictissimo Regi Angliæ.

Number CCIII.

Copy in Croke's hand of a letter to the king, from Bologna, September 7, assuring him of his diligence, and complaining of want of money.

PLEASETH it your highness to be advertised that my lord Vitell.
of London [sent] by the hands of the protonotary unto your B. xiii.
ambassador at Rhome [the] last day of August, a transumpt of fol. 107.
of the determination of Pad[ua] and also of Bonony. The which
by him and me were [eight days] before the coming of your
most honourable letters exemplified [to the] same entent,
sub fide Notariorum et sigillo Episcopi Laudensis, and [to]
day most gracious lord I delivered unto my said lord of
[London] all counsels and subscriptions being in my hands.
T[he] names whereof amount to seventy-eight, besides and
above [these 9] that your highness had with the counsel of
father Fra[unces], and besides the thirty that was burned
at Vincence, [and] besides them that were autliors of the
instruments of Padua; in the getting whereof as I often
and always used [the] prudent counsel of my lord of London
so I had m[uch] pain and labour. Into the which instrument
now to g[et]⁶⁴ I think almost impossible because my lord of
London [hath] the original with him. Notwithstanding I shall
do the best [that] lieth in me as the effect shall declare. Nor
it wa[s not] gracious lord this instrument that had *debere*,
but a conclusion unto the which Simonetus caused eighteen
do[ctors of] divinity of Padua, not being of the college, to
sub[scribe]. That conclusion [is amended and] those words
I[n] n[on]o non posse added to the same. As touching
. [the]
[com]mission directed unto me, I shall order the same that no fol. 107 b.
[f]riar shall use it but in time of very need, and to the great
advancement of your highness' cause; in most humble wise

⁶⁴ There is no room for more; the writer has carelessly omitted the word *contracto*.

beseeching your highness not to think that I caused father Fraunceys to write unto your highness as he did against Cassalis. For on my faith I never se the letter within nor the contents of the same. For it was sent unto me sealed. And surely, most gracious lord, the acts of the said father being here, and of his friends since his departing hath been such that deserve much thanks, whatsoever be written of him from Rhome by his adversaries. For by his sundry letters from Rhome, he hath gotten us sundry counsels and many friends, as my lord of London can better inform your highness than I. [I] have sought, most gracious lord, divers libraries as well in Venice as in Bononye. But in Venice we cannot find Innocentius' compilations. In Bononye we hear tell that they are. But the book is conveyed out of the library *Servorum* (where it was) by the prior who is (as all fools) your highness' adversaries. Howbeit we trust by doctor Hierom Previdellus and Sir Andrew Cassalis to obtain [the] sight of the said book. And I trust that your highness shall see the protonotary a[shamed] what for fear of advices that they have had o[ut of] England, what for shame by the earnest handling of my lord of London. I am informed that they [do] buckle themselves to do somewhat, the which if th[ey] persevere to do, I shall as gladly report always their good deeds as I have had good cause to report hitherto their bad.

fol. 108.

And whereas your highness exhorteth me to u[se] my accustomed diligence, dexterity, and faith in promoting of this your most honourable cause, I assure your highness I will die for it but that mine acts shall declare that I do, have, and shall persevere in mine old tenor of constancy and d[uty], and rather better than worse, humbly beseeching your highness that I may be furnished with money as [well] for my diets as retainance of men. The lack wh[ereof] hath incredibly hindered my good endeavours and dili[gence.]

For whatsoever excuse is made unto your highness, I have been as miserably served of money as is possible. For when I have laid out for your highness' causes six hundred crowns nearupon and h[ave] sundry times sent my count thereof as well in [one] sum as by parcel unto Mr. Tuke, yet my cou[nt is] ever of new demanded of me and the money is accounted in my hands

if my diets
. . . . [of] London and Harwel had not holpen me I must fol. 108 b.
have [be]ne fain to beg. I beseech your highness to be good
lord unto me according to my faith and diligence in this your
cause.

Bononye 7 Septembris.

Number CCIV.

Another draft, in Croke's hand, of his letter to the king, of the 7th of September, from Bologna.

Vitell.
B. xiii.
fol. 108 a
ad. med.

PLEASE it your highness to be advertised that my lord of London the last day of August took unto the protonotary to send unto your ambassador to Rome 2 transumps, one of the determination of Padua, the other of the determination of Bononye. The which 2 transumps were exemplified by him and me *sub fide notariorum et sigillo episcopi Laudensis* to the same intent 8 days before that your most honourable letters came hither.

And this present morning most gracious lord I delivered unto my said lord of London all counsels and subscriptions being in my hands, each ensealed up by themselves. The names whereof amount to 78 above these 9 that your highness had with father Fraunces' first counsel and above these 30 that were burned at Vincence and besides the names [of] them that were the authors of the instrument of Padua. Into [the] which instrument now to get this word *contracto* put in I think [alm]ost impossible, because my lord of London hath the original [with hi]m. Notwithstanding I shall do the best that lieth in me as the effect of my endeavour shall declare. Nor it was not gracious lord this instru[ment tha]t had *debere* but a conclusion devised by Simonetus un[to the which c]onclusion Simonetus procured the subscriptions of 18 [doctors of divinity of Pa]dua, but not of the college.

. and that conclusion [is amended, and] those words *immo non posse* [added to the same] As touching the commission, sovereign lord, directed unto me and the [friars], I shall so order that no friar shall use the same but in time of extreme need, or to the singular advancement of your highness' cause. In most humble wise beseeching your said highness to be advertised that I never knew the contents

fol. 109
ad. med.,
first half
vacant.

of father Fraunceys' letters against Cassalis, but only by his report at the deliverance; for the said father brought unto me his said letters sealed. And whatsoever hath been reported unto your highness of him from Rhome, I assure your highness his acts, and his frie[nds'] acts, both afore and since his going to Rhome, hath [and] declareth him to be a constant and a sure [friend] unto your cause. For by his letters from Rhome he [procured] his friends to get us divers counsels in the favour of fol. 109 b. [your] highness' said cause.

[As] touching the compilations of Innocentius, in Venice my lord of London and I have sought, but there we cannot find it. In Bonony we have heard tell of it, but the book is conveyed out of their library *per priorem Servorum*, which is (as al idiots are) extreme adversary unto your highness' cause. Howbeit doctor Hieronymus Probatellus and Sir Andrew de Cassalis hath put us in comfort to obtain us a sight of the said book.

[M]y lord of London hath delivered the protonotary three hundred crowns to employ in proferment of your most honourable causes, wherefore, what by reason of the same mooney, what for fear of advices that they have had out of England, what for shame and the earnest handling of them by my lord of London, I hear say that they all now buckleth themselves to do some notable thing. I pray God that we may see the fruit thereof.

[An]d where your highness willeth and commandeth [m]e continuing my diligence and dexterity hitherto [use]d, to use all ways and means to confirm them [in thei]r opinion, which I have already attained, and their incomes and my good policy, as many other as I can, I assure your highness to . . . fol. 110. my endeavour shall not lack, and I shall so handle . . . that mine acts shall declare that your highness never [had] any servant more faithful and painful in this [cause], or more glad to serve your highness' purpose.

Albeit, most gracious lord, I have not one penny above my diëts to lay out in your causes, nor yet am fu[ll] contented of the same my diëts. Forasmuch as I ha[ve] laid out in your most honourable causes near upo[n] 6 hundred crowns, of the which, albeit, I have sent my count sundry times unto Maister Tuke, yet he always demandeth again my account of me, and

accounting the money the which I have laid out in your most honourable causes to be still in my hand, beareth me in hand that I, by reason of the said money, am fully, and more than fully, contented of my diets. Insomuch, that (if my lord of London and Harwel had not been) I had long or this time been forced to leave your highness' service, and to come home a beggar.

And notwithstanding, most gracious lord, that thi[s] present morning my lord of London hath deliv[er]ed me 3 hundred crowns, yet, considering th[e] money that I have laid out in your said [highness'] causes, and the days passed I have by two hundred
 fol. 110b. account. I beseech your highness to be good [lord] to me and your own causes; the which, [by] my destitution, hath been not a little hindered and [hu]rto. And thus I beseech the most blessed Trinity to preserve your most real estate.

At Bononye, the 7 day of September.

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